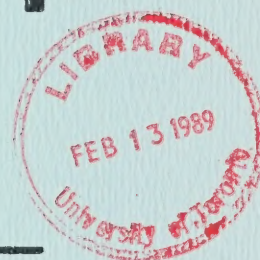


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EA-87-02



ENVIRONMENTAL ASSESSMENT BOARD



VOLUME: 65

DATE: Wednesday, February 1st, 1989

BEFORE: M.I. JEFFERY, Q.C., Chairman

E. MARTEL, Member

A. KOVEN, Member

FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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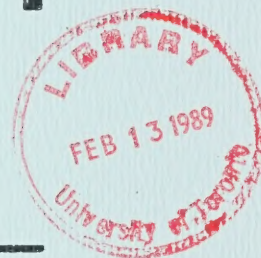
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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER of an Order-in-Council
(O.C. 2449/87) authorizing the
Environmental Assessment Board to
administer a funding program, in
connection with the environmental
assessment hearing with respect to the
Timber Management Class
Environmental Assessment, and to
distribute funds to qualified
participants.

Hearing held at the Ramada Prince Arthur
Hotel, 17 North Cumberland St., Thunder
Bay, Ontario, on Wednesday, February 1st,
1989, commencing at 9:00 a.m.

VOLUME 65

BEFORE:

MR. MICHAEL I. JEFFERY, Q.C.	Chairman
MR. ELIE MARTEL	Member
MRS. ANNE KOVEN	Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	MINISTRY OF NATURAL
MS. C. BLASTORAH)	RESOURCES
MS. K. MURPHY)	
MS. Y. HERSCHER)	
MR. B. CAMPBELL)	MINISTRY OF ENVIRONMENT
MS. J. SEABORN)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRY
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. J. WILLIAMS, Q.C.	ONTARIO FEDERATION OF
	ANGLERS & HUNTERS
MR. D. HUNTER	NISHNAWBE-ASKI NATION
	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
MR. D. WOOD)	POWER & PAPER COMPANY
MR. D. MacDONALD	ONTARIO FEDERATION OF
	LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA
	LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION
MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	

APPEARANCES: (Cont'd)

MR. J.W. ERICKSON, Q.C.) MR. B. BABCOCK)	RED LAKE-EAR FALLS JOINT MUNICIPAL COMMITTEE
MR. D. SCOTT) MR. J.S. TAYLOR)	NORTHWESTERN ONTARIO ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL) MR. S.M. MAKUCH)	GREAT LAKES FOREST
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE	GRAND COUNCIL TREATY #3
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY
MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON

(iii)

APPEARANCES: (Cont'd)

MR. C. BRUNETTA

NORTHWESTERN ONTARIO
TOURISM ASSOCIATION

(iv)

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>WILLIAM JOHN STRAIGHT,</u> <u>R. DAVID SCOTT,</u> <u>PETER J. McNAMEE, Resumed</u>	10979
Cross-Examination by Mr. Williams	10979

1 ----Upon commencing at 9:05 a.m.

2 THE CHAIRMAN: Good morning. Be seated,
3 please.

4 Ladies and gentlemen, just before we
5 begin today, I just want to review with you the
6 schedule again because we have had an opportunity since
7 yesterday afternoon of contacting Mr. Colborne who
8 unfortunately is on call from one of the courts for a
9 trial which is supposed to be today. So it is unlikely
10 he could attend today and he may well not be able to
11 attend tomorrow.

12 So what we have done is this: We have
13 tentatively scheduled Mr. Williams, of course, to begin
14 this morning and, depending on when he finishes today,
15 we may be able to accommodate Mr. Campbell later today
16 on the interrogatory portion of MOE's
17 cross-examination.

18 Tomorrow morning at 8:30 we are going to
19 have the scoping session on Panel 10 and then the
20 Ministry of the Environment will complete their
21 cross-examination prior to rising tomorrow afternoon at
22 around two o'clock.

23 Even if the Ministry of the Environment
24 does not get on today, we are led to believe that they
25 should be able to complete their cross-examination

1 tomorrow in addition to the scoping session. We are
2 suggesting tomorrow morning that we start at 8:30 in
3 the morning so that we will be sure of completing those
4 two items tomorrow.

5 Tuesday at 1:00 p.m. we will commence
6 with Mr. Hunter and he indicates that he will be
7 between two and three hours, and then we will continue
8 with Mr. Colborne Tuesday afternoon. And we are hoping
9 to complete Mr. Colborne Tuesday as well.

10 In the event that it stretches over a
11 little bit into Wednesday morning, we are suggesting,
12 Mr. Freidin, that if Mr. Colborne has to continue into
13 Wednesday morning, we will adjourn for a half hour or
14 an hour on Wednesday morning to give you an opportunity
15 to complete whatever deliberations you need on the
16 remainder of Mr. Colborne's presentation before going
17 into re-examination.

18 And you indicated you should only be an
19 hour or around that figure, so that we should have no
20 trouble completing Wednesday your re-examination. And
21 then Wednesday at 1:00 p.m. we will commence with Panel
22 10's evidence -- sorry, Panel 9's evidence.

23 So unless counsel have any objections to
24 that schedule, that is what we are going to go with at
25 this time. Thank you.

1 Mr. Williams?

2 MR. WILLIAMS: Mr. Chairman, firstly I
3 would like to introduce to the Board Mr. Edward Hanna
4 of J.E. Hanna Associates, environmental planners and
5 consultants to the Federation. Mr. Hanna will be
6 assisting me throughout the cross-examination.

7 Mr. Chairman, at the outset I would like
8 to explain to the Board the purpose, thrust and
9 direction of our cross-examination on this panel. We
10 are here to deal exclusively with and to resolve the
11 issues surrounding, as best we can, the resource
12 management decision-making process, all of this within
13 the context of the three central issues outlined by Mr.
14 Straight in the opening of his remarks.

15 And, if I might, Mr. Chairman, refer you
16 back to the three key issues that Mr. Straight felt
17 were essential for the Board and the participants to
18 have a clear understanding of how the process works.

19 He indicated firstly that, as indicated
20 in the title of the panel, is to leave with the Board
21 the message that the decisions arrived at by the
22 Ministry in timber management planning are a blend of
23 Ministry direction and professional judgment. And Mr.
24 Straight made it abundantly clear that this is the
25 central theme that is being presented throughout and

1 which prevails throughout the MNR's decision-making
2 process within the timber management plan.

3 Mr. Straight also made it abundantly
4 clear that this is a particularly important panel
5 because it deals with the integrating of many of the
6 issues commenced in Panel 1 and so far that have taken
7 us through to Panel 7 and which yet remain, in our
8 minds, to be addressed and clearly understood.

9 Mr. Straight made it clear that this
10 particular panel is to provide a background and
11 information, but that they are presenting evidence in
12 terms of organization and overview that sets the
13 foundation and a stage -- later stage for them dealing
14 with the monitoring program which will be discussed in
15 Panel 16.

16 And thirdly, Mr. Chairman, Mr. Straight
17 made it clear that the message to be brought to this
18 Board is that the Ministry does provide assistance to
19 staff to make decisions, and that the purpose of this
20 panel is to present the kind of decisions and
21 assistance the Ministry provides both in terms of
22 written direction, in terms of the utilization of a
23 decentralized organization structure, and to convey the
24 message that is a process which encourages information
25 transfer and it utilizes the public in this process.

1 And he points out that it provides and
2 encourages access to resource experts to assist staff
3 at the local level to make decisions. All
4 fundamentally important to the process, to an
5 understanding of the process.

6 Mr. Chairman, in our judgment, because of
7 these fundamentally important issues, we have
8 considered from the outset and are satisfied, based on
9 the evidence we have heard to date, that this is a
10 panel that is central to the remainder of the
11 undertaking and so that we have a clear understanding
12 as how to approach Panels 10 to 14, we have to have a
13 clear understanding of the process.

14 We got some of that information in the
15 evidence that has been adduced through
16 evidence-in-chief and cross-examination. We believe
17 that some of that information has helped to unlock some
18 of the mysteries surrounding the decision-making
19 process and the blending of Ministry direction and
20 professional judgment.

21 However, Mr. Chairman, the purpose of our
22 cross-examination is to explore that in further depth.
23 We were not able to ascertain the extent of our
24 cross-examination until we had heard the
25 evidence-in-chief and until we had heard

1 cross-examination. We have been working into the early
2 hours of the morning to conclude the preparation of our
3 cross-examination.

4 Mr. Chairman, it will be all of today, it
5 will be extensive. We have been judicious in the
6 selection of our questions, they are all relevant and
7 germane to this sole purpose. They fall four square
8 into the paramaters of this particular panel.

9 Mr. Chairman, because our
10 cross-examination is lengthy, I can assure you it is
11 all relevant. We have left out extraneous material
12 that we might have otherwise introduced. While it is
13 lengthy, we think it is going to, in the long run, help
14 us and we hope the Board to expedite the process from
15 here on in, having an understanding of how these
16 techniques will be applied to the activity panels.

17 With that, Mr. Chairman, I would say that
18 I hope that we will be concluded today. We would
19 encourage brevity as to the answers given to our
20 questions, but whether it would extend beyond a day
21 will depend on the extent of the answers given to those
22 questions.

23 THE CHAIRMAN: Well, Mr. Williams, the
24 Board is prepared to listen attentively provided that
25 there is not repetition of evidence which the Board has

1 already heard.

2 And the Board would also like to instruct
3 the panel to listen carefully to the questions and
4 respond only to the questions asked. There is no need
5 to editorialize and go on at length for each question
6 if you feel, in your discretion, that a concise answer
7 can be given.

8 That doesn't just apply with respect to
9 this cross-examination, it applies with respect to all
10 cross-examinations.

11 Thank you, Mr. Williams.

12 MR. WILLIAMS: Thank you, Mr. Chairman.

13 WILLIAM STRAIGHT,
14 DAVID SCOTT,
PETER McNAMEE, Resumed

15 CROSS-EXAMINATION BY MR. WILLIAMS:

16 Q. Mr. Straight, are you familiar with
17 the evidence presented by the previous witnesses of MNR
18 in this hearing?

19 MR. STRAIGHT: A. I am familiar to
20 varying degrees, sir. I am not familiar with the
21 evidence of everyone.

22 Q. You haven't been following each and
23 every panel?

24 A. Not closely, no.

25 Q. Okay. Are there any particular

1 panels that you have taken a particular interest in and
2 that you have made yourself conversant with?

3 A. I took the opportunity to witness the
4 cross-examination in Panel 7. I read some of the
5 transcripts that were of particular interest to me in
6 terms of evidence-in-chief. I was here in part, very
7 briefly, for part of Panel 1 and I am familiar with --
8 I have read most of the evidence-in-chief, sir.

9 Q. So Panel 1 and Panel 7 are the ones
10 you are most familiar with?

11 A. I would say most familiar with 7; I
12 would not give that same description to Panel 1.

13 Q. Were you an author of Part III of the
14 Timber Management Class Environmental Assessment?

15 A. I was in part an author.

16 Q. Are you familiar with the other parts
17 of the Class EA?

18 A. I have read the Class Class EA and am
19 generally familiar with it, yes.

20 Q. So you say that you have sufficient
21 understanding of the Class EA that, as a senior
22 Ministry administrator, you would be able to put that
23 into practice?

24 A. I believe I have sufficient
25 information to put it into practice.

1 THE CHAIRMAN: Mr. Williams, if I could
2 interrupt you briefly. I apologize, you mentioned it
3 yesterday, but the Board does not have before it
4 Exhibit 4.

5 So could I ask somebody to just go down
6 the hall to the Board's office and speak to Mr. Mander
7 and ask him to bring out three copies of Exhibit 4 for
8 the Board, please.

9 MR. STRAIGHT: Mr. Chairman, we have an
10 extra copy here if you would like one.

11 THE CHAIRMAN: Okay.

12 MR. STRAIGHT: (handed)

13 THE CHAIRMAN: Thank you.

14 Mr. Williams, while we are getting that
15 you could just continue. I don't think we will need it
16 at the moment. We have one copy up here.

17 MR. WILLIAMS: Thank you.

18 Q. Mr. Straight do you see it being
19 practical to implement from administratively?

20 MR. STRAIGHT: A. To implement--

21 Q. The Class EA?

22 A. --the Class Environmental Assessment
23 or the timber management planning process or both?

24 Q. The Class EA?

25 A. I feel it is implementable, yes.

1 Q. Is it fair to say then that you are
2 in complete concurrence with the planning process
3 contained in the Class EA from a policy and
4 administrative perspective?

5 A. I would say that I have seen the
6 process work, and in saying that I would also say that
7 that doesn't mean there aren't refinements and
8 improvements that can occur. But from my perspective
9 as a resource management administrator, I have seen the
10 process work, sir, yes.

11 Q. And you are in concurrence then with
12 the planning process from those two perspectives, a
13 policy and administrative perspective?

14 A. Yes, I am.

15 Q. Mr. Straight, you also have
16 qualifications as a biologist; is that correct?

17 A. I have basic qualifications as a
18 biologist. At one time I was a practising biologist,
19 that's correct.

20 Q. Where were you practising as a
21 biologist?

22 A. Within our main office organization
23 and within our regional organization in the capacity of
24 the regional biologist in the northeastern region.

25 Q. If you could just refresh my memory,

1 for what period of time was that? It was in your CV, I
2 just can't...

3 A. Just one point of clarification. I
4 find it rather awkward here to bend over to get into
5 the microphone.

6 Is my voice projecting satisfactorily for
7 the court reporter?

8 THE CHAIRMAN: No, I think the media at
9 the back is having a little trouble picking you up.

10 MR. STRAIGHT: The alternative is to --

11 DR. MCNAMEE: It is not on.

12 MR. STRAIGHT: That is better. That does
13 make a difference, I can even hear myself.

14 In 1969 I joined the Ministry of Natural
15 Resources as a fisheries biologist at our main office
16 and I was in that capacity until 1973, and I acted as
17 regional biologist in the northeastern region from 1973
18 to 1978 where I became district manager at Wawa.

19 MR. WILLIAMS: Q. Would you say then
20 that you have sufficient understanding of the Class EA
21 that, as an experienced biologist, you would be able to
22 put it into practice?

23 MR. STRAIGHT: A. When I gave you my
24 interpretation it was on the basis of all my
25 experience, sir.

1 Q. So then you would see it as being
2 practical to implicate from a -- to implement from a
3 biological perspective as well?

4 A. Yes, I do.

5 Q. Are you in complete concurrence --
6 all right. And I would extend that to suggest that you
7 would be in concurrence then with the planning process
8 in the Class EA from a biological resource management
9 perspective?

10 A. Yes, I believe so.

11 Q. Thank you. You were an author of at
12 least part of the Class EA. Can you please tell us who
13 else were authors of the document and what parts?

14 A. I cannot tell you all that, sir.

15 Q. Then am I correct in concluding that
16 your work was done basically in isolation of all or
17 some of the other parts of the Class EA and that you
18 were not involved in the integration of your input?

19 A. No, I do not believe that's a fair
20 statement.

21 Q. You don't believe that's a fair
22 statement?

23 A. No.

24 Q. You did have some understanding of
25 the other portions of the work?

1 A. I am aware that it was coordinated,
2 if that's what you mean, yes. I am just not
3 specifically aware of each individual actor that had a
4 word in the Class Environmental Assessment or a section
5 in the Class Environmental Assessment.

6 But I am aware of the fact that it was
7 coordinated and that there were numerous opportunities
8 for the integration to which you referred to occur.

9 Q. You had an appreciation and overview,
10 did you, of how the Class EA was being pulled together?

11 A. The document?

12 Q. Yes.

13 A. Yes, I do.

14 Q. And are there any of the people that
15 you know that were involved that authored other parts
16 of the paper?

17 A. Yes, I do know of other people. Did
18 you want me to list them?

19 Q. Yes.

20 A. Did you expect an exhaustive list?

21 Q. What does exhaustive mean?

22 A. I mean, I am not sure I can give you
23 a list of all the people I know without spending some
24 time thinking about it.

25 Q. All right. Well then, maybe you

1 could give us that on paper.

2 THE CHAIRMAN: Mr. Williams, what's the
3 point of this, in the sense that we know that various
4 people connected with MNR had input into the EA. We
5 have already heard from several of the witnesses who
6 have indicated in their own testimony that they have
7 authored portions.

8 What is the point of having a list of the
9 people when Mr. Straight has indicated he does not know
10 the full cast and he can only name some, in any event?

11 MR. WILLIAMS: I think, Mr. Chairman,
12 that perhaps that will serve its purpose if he has no
13 further personal information on that.

14 Q. Mr. Scott, did you author any parts
15 of the Class EA?

16 MR. SCOTT: A. Not directly, no.

17 Q. Have you read the Class EA in its
18 entirety?

19 A. Yes, I have.

20 Q. Would you say that you are familiar
21 and understand the contents of the document?

22 A. Yes, I would say I am familiar with
23 it; not intensively familiar, but familiar.

24 Q. Tell me this: Would you say that you
25 have sufficient understanding of the Class EA that, as

1 an MNR administrator, you would be able to put it in
2 practice?

3 A. Yes, I believe that's correct.

4 Q. Do you see it being practical to
5 implement administratively?

6 A. Yes, I would agree that we could
7 implement the Class EA.

8 Q. Are you in complete concurrence with
9 the planning process contained in the Class EA from a
10 policy and administrative perspective?

11 A. I would say that I concur with the
12 Class EA as it stands. I do think that there will be
13 improvements that can be made to any document to make
14 it better as we gain new knowledge and gain new
15 experience.

16 Q. Mr. McNamee, you didn't author any
17 parts of the Class EA; did you?

18 DR. McNAMEE: A. No, I didn't.

19 Q. Have you read the Class EA in its
20 entirety?

21 A. No, I haven't.

22 Q. Have you read any parts of it?

23 A. I have read the part that refers to
24 the effects monitoring work.

25 Q. Would you say that you are familiar

1 and understand that aspect of the document?

2 A. Yes.

3 Q. You as well, Mr. McNamee, I believe
4 have qualifications although you are not an expert in
5 this capacity in this panel, but you are also a
6 biologist; are you not?

7 A. Yes, I am.

8 Q. Would you say that you have
9 sufficient understanding of the Class EA as to the
10 effects monitoring aspect of it that, as an experienced
11 biologist, you would be able to put it into practice?

12 A. Put into practice the part of EA
13 which is the monitoring program?

14 Q. Correct.

15 A. I do not have much practical field
16 experience at all, so I would have to say I probably am
17 not.

18 Q. Then would it be fair to say that you
19 are not qualified to make a conclusion as to whether it
20 would be practical to implement the Class EA from an
21 administrative perspective or from a biological
22 resource management perspective?

23 A. The EA as a whole?

24 Q. Yes.

25 A. No, I am not.

1 Q. Okay. Mr. Straight, you have
2 indicated that you are a co-author of -- or it is so
3 indicated in the evidence that you are a co-author of
4 Document 1 contained in the statement of evidence for
5 this panel; is that correct?

6 MR. STRAIGHT: A. Yes, that's correct.

7 Q. Is the purpose of Document 1 to
8 support certain aspects of the proposed Class EA
9 planning process that this Board is being asked to
10 approve?

11 A. I am sorry, I missed the essence of
12 your question, sir.

13 Q. Is the purpose of Document 1 to
14 support certain aspects of the proposed Class EA
15 planning process that this Board is being asked to
16 approve?

17 A. To support certain aspects of the
18 planning process? I don't believe in a strict, literal
19 interpretation that the evidence supports the planning
20 process directly; it lends supporting tools to the
21 planning process, if you will.

22 And as I think I indicated in
23 evidence-in-chief and as basically you indicated in
24 giving a summary, which I thought was excellent, of the
25 evidence we presented, you hit the primary purpose bang

1 on.

2 But I would say that in an indirect
3 sense, in that it provides tools for managers to
4 utilize in the planning process, that there is support.
5 Yes, there is a link, but I am not -- does that help
6 you?

7 Q. Yes. Part III of the Class EA
8 involves implementation manuals and monitoring.
9 Implementation manuals, as you have referred to, are
10 also addressed in Document 1; correct?

11 A. That's correct.

12 Q. Is it fair to say then that a purpose
13 of Document 1 is to support Part III of the EA?

14 A. The purpose of Document 1 is intended
15 to support that part, yes.

16 Q. Thank you. But Document 1 also
17 involves more than that, it involves more than is
18 contained in Part III, in effect; do you agree?

19 A. Document 1 takes Part III of the
20 Class EA somewhat further in terms of an explanation
21 sense, that's correct.

22 Q. I would ask you to turn to page 84 of
23 the witness statement.

24 A. Yes, I have it.

25 Q. Now, on that page you talk about the

1 tools used by resource managers, but in fact all but
2 the last tool listed under (a) through (f), they are in
3 fact data sources; are they not?

4 A. In many ways they are all data
5 sources. Some of them go -- in terms of their
6 usefulness or utility as a tool, some go beyond the
7 basic concept of data.

8 Q. But you agree that they are
9 essentially data sources?

10 A. I would say that they are all data
11 sources.

12 Q. Now, is it not correct that the
13 matter of data collection and analysis is a central
14 theme of Part II of the Class EA?

15 A. In a general sense, I am aware that
16 certainly part of Part II of the Class EA deals with
17 data. I would have to look at it in some specific
18 depth to give you a more definitive answer.

19 Q. And does your evidence not also
20 relate to how Ministry staff make decisions using
21 provincial directives, analytical tools and
22 professional judgment?

23 A. The evidence deals with the tools
24 that the Ministry provides to make decisions; it does
25 not deal with analytical tools.

1 Q. Perhaps we will come back to the
2 reason for that later. So you are saying that it deals
3 with provincial directives and professional judgment
4 but not analytical tools?

5 A. Unless you are aware of a reference
6 to analytical tools, in my own thought process, I am
7 not aware of one being there.

8 Q. Is this blending process of
9 provincial directives and judgment not an essential
10 element of Part II of the proposed Class EA?

11 A. Without -- I guess my hesitation
12 comes from not having looked at your specific question
13 and addressing it to Part II of the Class EA in some
14 depth. Perhaps you can say it again and let me think
15 about it.

16 Q. The question is simply: Is this
17 blending process of provincial directives and
18 professional judgment not an essential element of Part
19 II of the proposed Class EA?

20 A. I guess I would say that in that it
21 lends support to that planning process which I
22 believe -- there is reference in Part II, I believe, to
23 basically the actual timber management planning process
24 and reference to the area of concern planning process,
25 the identification of values, preliminary areas of

1 concern, in reference to those things or things of that
2 nature.

3 The tools that we described here, as you
4 will recall in the basic evidence-in-chief in terms of
5 the arrow in the centre of that particular diagram,
6 referred to the area of concern planning process.
7 And the use--

8 Q. But, Mr. Straight --

9 A. --of these tools was basically
10 provided to assist in that process and, in that sense,
11 you are correct.

12 Q. So that professional directives and
13 professional -- provincial directives and professional
14 judgment are essential elements in that process?

15 A. They are elements of that process,
16 important ones, yes.

17 Q. Is it fair so say then the Document 1
18 that you co-authored pertains at least to Parts II and
19 III of the Class EA? You said at the outset that it
20 clearly related to Part III and --

21 A. Part III is in particular the area in
22 which there was reference to the use of different types
23 of written direction at that particular time and that
24 was the primary purpose of Part III of the -- one of
25 the purposes of Part III of the Class EA.

1 Q. But you acknowledge that it does also
2 pertain to Part II?

3 A. There are linkages to Part II, yes.

4 Q. Was it with this in mind that your
5 Document 1 was prepared, to supplement what was set out
6 in those two parts of the Class EA?

7 A. I will go back to basically what I
8 presented in evidence-in-chief and what you summarized,
9 the reasons for that particular evidence were those
10 three factors that you have already identified.

11 Q. Mr. Scott, you were the other
12 co-author of Document 1; correct?

13 MR. SCOTT: A. Correct.

14 Q. Do you disagree in any respect with
15 the views presented by Mr. Straight as to its relevancy
16 to Parts II and III of the Class EA?

17 A. Could you repeat the question?

18 Q. Do you disagree in any respect with
19 the views presented by Mr. Straight as to its relevancy
20 to Parts II and III of the Class EA?

21 A. None that I can think of, no.

22 Q. Would you agree that in order to
23 prepare a supporting technical document one must have a
24 fundamental knowledge of that being supported?

25 A. Sorry, I am having trouble

1 understanding what you mean.

2 Q. Would you agree that in order to
3 prepare a supporting technical document, such as
4 Document 1 is, one must have a fundamental knowledge of
5 that which the document is intended to support?

6 A. In preparation of Document 1, coming
7 back to the purposes of why we put together Document
8 No. 1, I think we have to have an understanding of the
9 purpose why that document was presented and those are
10 those three factors that you presented initially.

11 Q. All right. Let me just ask you this:
12 Do you feel that you have that fundamental
13 understanding of the Class EA to the extent to which
14 your Document 1 was prepared in support of Parts II and
15 III thereof?

16 A. I believe that I have a fundamental
17 understanding of the Class EA, yes.

18 Q. Mr. Straight, I am interested in
19 exploring the relationship of your evidence to
20 environmental assessment in general. Would you please
21 describe for me the typical steps followed in
22 undertaking an environmental assessment?

23 MR. STRAIGHT: A. A fundamental step in
24 undertaking an environmental assessment?

25 Q. Yes.

1 A. Generally?

2 Q. Yes.

3 A. I am not certain I could do that
4 without some thought, more than I could give you in a
5 situation here where I am testifying on a specific...

6 THE CHAIRMAN: Mr. Williams, how does
7 this relate to Mr. Straight's direct evidence?

8 MR. WILLIAMS: Well, I think it will very
9 clearly show, as the questioning unfolds, Mr. Chairman,
10 that the two major ingredients that we have been
11 talking about, provincial direction and professional
12 judgment, are intertwined with the process.

13 THE CHAIRMAN: Well, surely you could ask
14 Mr. Straight questions relating to how provincial
15 direction is utilized in the process and how some of
16 the other tools described by him in his direct evidence
17 is used, but to ask the witness how an EA is prepared
18 from step 1 through to step 55 - or however many steps
19 there are - in my view, does not relate to the direct
20 evidence put in by this particular witness or this
21 panel.

22 We can't cover the waterfront with one
23 witness if they haven't really dealt with it indirect
24 if you are embarking on cross-examination of that
25 panel.

1 MR. WILLIAMS: All right. Then perhaps I
2 can resolve it this way, Mr. Chairman, if I might.

3 Q. Mr. Straight, would you agree that
4 the essential elements involved in undertaking an
5 environmental assessment would include the following:
6 Inventory, impact prediction, evaluation, redesign and
7 mitigation. Do you feel that those would all be
8 essential ingredients to that type of an undertaking?

9 MR. STRAIGHT: A. If in the sense that
10 you are interpreting inventory is the appropriate
11 amount of background material that you need to look at
12 environmental impacts, I would generally agree and I
13 wasn't -- yes, I will just leave it at that, yes.

14 Q. It is my understanding that Panels 6
15 and 7 covered at least in part the environmental
16 inventory component proposed in the Class EA; is that
17 correct?

18 A. Panel 6 and 7 demonstrated the
19 information available.

20 Q. I'm sorry, demonstrated the...?

21 A. The information available. Panel 6,
22 basically in my understanding basically dealt with the
23 broad provincial -- sorry, not provincial necessarily,
24 but within the area of the undertaking a broad overview
25 of that area of the undertaking relative to the

1 non-timber values; the fisheries component, wildlife
2 components, traditional types uses, communities, native
3 communities and that Panel 7 dealt with essentially the
4 information that was available to the timber management
5 planning process.

6 Q. Mr. Straight, I haven't heard any
7 evidence adduced to date, perhaps you can assist me, on
8 the tools proposed to be used by the Ministry to
9 undertake impact prediction, evaluations and tradeoffs
10 and mitigation design. Do you know in what panels this
11 evidence is to be presented?

12 A. I believe you raised two points,
13 mitigation design and tradeoffs.

14 Q. Yes.

15 A. My understanding...

16 Q. There are actually four points,
17 evaluations and impact prediction.

18 A. My understanding of the process that
19 we are currently going through is that this panel
20 basically has provided you with a broad organization --
21 some broad organizational concepts and some specific
22 reference to tools in a general sense to assist in the
23 decision-making process.

24 What you are going to see through 10,
25 particular through 14 is a description of that

1 environment that is potentially affected which will
2 examine all the potential effects of timber management
3 on that environment itself. The actual timber
4 management planning process which you will see in Panel
5 15 and, in particular, as part of that the area of
6 concern planning process, is where the Ministry deals
7 with those issues of examining mitigating measures,
8 examining impact analysis, examining tradeoff decisions
9 and that is the panel in which you will see a fairly
10 exhaustive presentation of that type of material.

11 Q. Mr. Straight, I appreciate that we
12 are getting into a lot of description about the
13 environment and so forth, but we are still looking and
14 we haven't -- I must confess, we haven't read all of
15 the panels that have been produced to date, some still
16 are on my desk back in my office I haven't seen them as
17 yet. So far I haven't seen in any of the evidence that
18 is going to be led by the proponent in this hearing on
19 the tools, not the description of the environment, we
20 want to know what tools are proposed to be used by your
21 Ministry in undertaking impact prediction, evaluations,
22 tradeoffs and mitigation design and we can't find that
23 in any of the panels that are forthcoming.

24 And if you could direct us to those
25 panels and who will be giving that evidence, we would

1 like to know that at this time because, as you have
2 indicated in your opening statement, that this panel
3 leads into Panels 10 and 14 and everything that happens
4 in those panels, and so we will know how to address our
5 evidence in those panels, having this information is
6 essential at this time.

7 THE CHAIRMAN: Mr. Freidin, can you help
8 us?

9 MR. FREIDIN: I think that the response
10 that I would like to make to that is that in the Panels
11 10 through 14 there is in fact a description of how the
12 potential environmental effects identified in each of
13 those panels can be prevented, minimized, mitigated, or
14 remedied.

15 To the extent Mr. Williams is -- in
16 making those decisions, those witnesses will indicate
17 that they have resource to the kind of background
18 information that has been referred to in Panel No. 7
19 and that they can, where necessary, utilize the tools
20 that Mr. Straight is talking about in this particular
21 case or this panel.

22 MR. WILLIAMS: But we haven't had the
23 tools identified yet, that is what we are looking for.

24 MR. FREIDIN: The specific tools are not
25 going to be identified. If by being identified Mr.

1 Williams wants a listing of all the tools that would be
2 referenced for each and every potential environmental
3 effect and how you go about mitigating it, the evidence
4 is not prepared in that fashion.

5 It would be my submission that having
6 regard to the undertaking that we are talking about
7 and, in fact, this is a Class Environmental Assessment,
8 I don't think it would be practical to do that, that
9 the witnesses can in fact indicate - I feel fairly
10 confident too, Mr. Williams, what they might do in any
11 particular situation that Mr. Williams or any other
12 party is concerned about - but I think that is the
13 proper way to have approached the problem.

14 Just to reiterate, I don't think it would
15 be helpful to the Board for the Ministry to have in
16 fact anticipated every possible combination of
17 permutation of situations that all the parties might be
18 involved in and deal with them sort of one after the
19 other in the fashion that I believe Mr. Williams is
20 suggesting he would like to see them.

21 MR. WILLIAMS: Well, Mr. Chairman, I
22 don't think that that demand can be attributed to us,
23 that is not what we are after at all.

24 THE CHAIRMAN: Well, Mr. Williams, we are
25 dealing in this application with a process.

1 MR. WILLIAMS: That is exactly what we
2 are after, the process -- the mitigation process, not
3 how it is done, but the process.

4 THE CHAIRMAN: I know, but when you are
5 talking about tools, I mean, what precisely do you
6 mean? If you mean by way of tools, what kind of
7 background documentation is referred to by way of
8 scientific reports or things of that nature and you
9 want a listing of that, I would suggest to you it is
10 probably impractical for a listing to be put forward in
11 that fashion because they change in relation to the
12 particular activity, they change in relation to the
13 problem being addressed and it wouldn't serve much of a
14 purpose at this point in time to take a look at a list
15 like that because that list itself would change over
16 time.

17 MR. WILLIAMS: I think tools, Mr.
18 Chairman, if it's helpful can be taken into the broader
19 context to include process. What processes, what
20 techniques are used to deal with impact prediction.

21 THE CHAIRMAN: Well, I think you are
22 going to have to be more precise, Mr. Williams, as to
23 what you mean by process because the witnesses have
24 testified that when they are looking at a specific
25 problem they use a variety of means to elicit

1 information which goes into the decision-making which
2 follows and whether it is provincial guidelines or
3 manuals or scientific literature or expertise from
4 individuals involved or outside experts, et cetera,
5 those are all tools that are used in the
6 decision-making process. We have heard about that.

7 What beyond that generalization do you
8 specifically want to know? Or what tools that are
9 applicable to your client's particular interest do you
10 want to learn about?

11 MR. WILLIAMS: Well, I appreciate the
12 concern, Mr. Chairman. I think in some way...

13 THE CHAIRMAN: In order to make it
14 relevant for the Board we have to, I think, have some
15 better direction as to what you are after so that the
16 witnesses can apply their expertise to answering your
17 questions.

18 MR. WILLIAMS: Essentially, Mr. Chairman,
19 I think we are obviously looking to those following
20 panels that are going to deal specifically with those
21 four ingredients. They are fundamentally important to
22 the process, I think you will agree: Impact
23 prediction, evaluations --

24 THE CHAIRMAN: And I think Mr. Freidin
25 has indicated that those following panels are going to

1 deal with those kinds of things in relation to the
2 specific activities being dealt with by those panels in
3 some depth.

4 MR. WILLIAMS: May I have a moment, Mr.
5 Chairman? I just need a couple of more moments, Mr.
6 Chairman. I just want to try to resolve this as
7 expeditiously as we can.

8 THE CHAIRMAN: All right.

9 MR. WILLIAMS: All right. Perhaps, Mr.
10 Chairman, let me just proceed along this line. I will
11 not refer further to or insist upon identifying basic
12 tools, so to speak, and let me see if I can take it in
13 this direction and it might break the log jam here.

14 THE CHAIRMAN: Very well.

15 MR. WILLIAMS: Q. Mr. Straight, let me
16 ask you this: I can find no reference to the process
17 of mitigation of unacceptable impacts. How is that
18 mitigation process undertaken or achieved?

19 MR. STRAIGHT: A. Well, I guess my
20 problem is, is that would not Appendix 1 of the Class
21 EA serve that particular purpose?

22 Q. Appendix...?

23 A. Yes, I believe it is the area of
24 concern planning process. The planning procedure for
25 modified options in area of concern, Appendix 1, that

1 just follows -- that would be page 204 and Appendix 2,
2 planning process for access roads in areas of concern.

3 Those particular sections deal with
4 basically consideration, identification of
5 alternatives, environmental analysis of alternatives,
6 and selection of the preferred or most acceptable
7 alternative with supporting rationale.

8 THE CHAIRMAN: Mr. Straight, are these
9 two appendices going to be dealt with in detail by a
10 future panel?

11 MR. STRAIGHT: They are part of 15, sir,
12 yes.

13 MR. WILLIAMS: Q. Would that mitigation
14 be in part achieved through application of the
15 guidelines as well?

16 MR. STRAIGHT: A. It is that area of
17 concern planning process, as I tried to indicate in
18 that arrow, that those tools feed into, yes.

19 Q. So then the guidelines themselves are
20 a means to mitigate unacceptable negative impacts; is
21 that correct?

22 A. The guidelines do provide directions
23 to do that, yes.

24 Q. Now, I highlighted for you briefly
25 the steps in an environmental assessment. There were

1 four points. Perhaps I didn't hear you say whether you
2 agreed that those were the basic ingredients or not,
3 but perhaps I should reaffirm that with you.

4 In the undertaking of environmental
5 assessment; inventory, impact prediction, evaluation
6 and redesign mitigation, they would all be essential
7 ingredients in doing an environmental assessment; would
8 they not?

9 A. In the generalized context, they are
10 some of the ingredients, yes.

11 Q. All right. Then it is my
12 understanding that you can only mitigate once an impact
13 has been predicted; in other words, you cannot mitigate
14 the undefined. Would you agree with that?

15 A. I agree that it would be difficult to
16 mitigate the undefined.

17 THE CHAIRMAN: Or you can mitigate
18 once...

19 MR. STRAIGHT: You may...

20 THE CHAIRMAN: No, but you can mitigate
21 not just on a prediction but once you have an actual
22 adverse impact.

23 MR. STRAIGHT: Once you see it, then that
24 would be --

25 THE CHAIRMAN: Then you mitigate as well.

1 MR. STRAIGHT: Perhaps -- yes,
2 clarification of the word mitigation. Normally
3 mitigation, in my context, occurs after you have
4 witnessed an effect and you take action to minimize the
5 degree of that effect. I think that would be
6 consistent with your...

7 THE CHAIRMAN: Okay.

8 MR. FREIDIN: Perhaps I can just indicate
9 that the way those words have been used in the Class
10 EA, the words prevent and minimize are speaking of
11 actions which are taken to, in fact, reduce potential
12 effects which are identified before action is taken.
13 Mitigation has been used in the context Mr. Straight
14 has indicated, action that is taken to deal with an
15 environmental effect which perhaps is undesirable.

16 MR. WILLIAMS: Mr. Freidin, are you
17 clarifying what the EA says as to what Mr. Straight is
18 providing to us as to the understanding as to
19 mitigation can only occur once the impact has been
20 predicted? I am not clear what your objection was
21 intending to...

22 MR. FREIDIN: It's just that I perceive
23 the use of the word mitigation by you as using that
24 phrase in your questions as indicating or including
25 things that might be done when someone has knowledge

1 about a potential effect and before they actually
2 engage in the activity which may cause that potential
3 effect, they take certain action to prevent it, or to
4 reduce the actual effect which might occur, you refer
5 to that as mitigation.

6 All I am saying - I am just trying to
7 clarify - that in the Environmental Assessment Document
8 the word mitigation has not been used in that context
9 and I want you to understand that so that when you read
10 the Environmental Assessment Document you are reading
11 it with the intended.

12 So just to repeat: When an action --
13 when general potential environmental effects as a
14 result of certain activity, if action taken in advance
15 of those activities actually occurring in the field to
16 prevent those effects, then we call that, in the EA
17 Document preventing potential environmental effects.

18 If all the potential effects cannot be in
19 fact avoided but you can, through action, minimize or
20 reduce the actual effects, we call that minimizing
21 potential environmental effects.

22 When activities occur and then an actual
23 environmental effect occurs and you want to reduce the
24 impact of it on the environment, you take mitigative
25 action. So, in that case, you are mitigating.

1 THE CHAIRMAN: So essentially the
2 material is used after the fact and after an activity
3 has occurred and an impact has occurred that you want
4 to somehow reduce?

5 MR. FREIDIN: And where you can in fact
6 completely correct the actual environmental effect
7 which has occurred, in that case, if you did that you
8 would have remedied the actual environmental effect.
9 And that is the way we have used those words.

10 THE CHAIRMAN: All right.

11 MR. WILLIAMS: Mr. Chairman, based on
12 your comments, I think your interpretation you are
13 giving to the mitigation process, as I understand it,
14 is related to actual -- dealing with mitigation of
15 actual proven negative impacts. But I think that it is
16 important to realize that there are mitigative issues
17 that, or procedures that can be taken in dealing with
18 potential.

19 THE CHAIRMAN: Well, Mr. Williams, we are
20 not taking issue with what you are saying. I think in
21 order that we all understand in this cross-examination
22 what we are talking about, Mr. Freidin has just
23 indicated that when we are dealing with identifying
24 preventative measures that can be taken in advance of
25 activities, we are not, in the Environmental

1 Assessment, referring to mitigative measures.

2 The term mitigative measures has been
3 used, according to Mr. Freidin, in the Class EA
4 Document as describing those procedures that are taken
5 after an activity has occurred and after an actual
6 impact has occurred. So we are not disagreeing that
7 there can be a number of steps taken in advance of the
8 activity, but we are just not calling them mitigative
9 measures in this document.

10 Am I correct in that, Mr. Freidin?

11 MR. FREIDIN: Yes. It is a terminology
12 problem, Mr. Williams.

13 MR. WILLIAMS: Yes, right.

14 THE CHAIRMAN: Not a problem with whether
15 or not measures can be taken.

16 MR. WILLIAMS: All right.

17 Q. Then let me rephrase that question,
18 if I might, so that we don't get hung up on this
19 interpretation of the word mitigative.

20 Would you agree, Mr. Straight, that you
21 can only employ preventative measures once an impact
22 has been predicted?

23 MR. STRAIGHT: A. You would employ a
24 preventative measure in advance of the impact, yes.

25 Q. Once it has been predicted?

1 A. Right. If you anticipate an impact,
2 yes, you would employ preventative or you could employ
3 preventative measures.

4 Q. That concludes or that leads to the
5 obvious, that you have to have done the predicting
6 beforehand; is that not correct?

7 A. Yes.

8 Q. Mr. Straight, paragraph 2 in your
9 statement of evidence suggests that your Ministry
10 overcomes the need to predict impacts by employing
11 professional --

12 A. I am sorry, what page is that, sir?

13 Q. Paragraph 2 in your statement of
14 evidence.

15 A. On what page? 72 I believe.

16 Q. 72.

17 A. Thank you.

18 Q. In that paragraph you are suggesting
19 that the Ministry overcomes the need to predict impacts
20 by employing professional and technical staff; is that
21 not correct?

22 A. That is one of the mechanisms, yes.

23 Q. And at the same time you are making
24 the observation that it is not desirable to predict all
25 potential impacts, but does that mean that you would

1 wish to exclude certain impacts?

2 A. I don't believe it is intended to
3 mean that we would want to exclude a consideration of
4 impacts.

5 Q. If you didn't want to exclude certain
6 impacts, why would you not want to predict them all?

7 A. I think -- you are using the words
8 there I think just subtly, or perhaps in a slightly
9 different manner than what they are intended and I
10 think, as you will see, two points and just let me
11 write them down before I forget. The statement says:

12 "It is neither possible nor desirable to
13 attempt to predict and list all potential
14 effects."

15 And I don't think you should interpret from that that
16 we mean that it is not desirable to list all potential
17 effects.

18 What we are trying to establish there is
19 our recognition of the realities of the real world in
20 which we deal with, the complexities of the
21 socio-economic environment in terms of dealing with
22 different types of stakeholders, their different value
23 systems, the different value systems that are involved
24 in decision-making, whether you talk about an economic
25 value on one hand or some of those values that Ms.

1 Swenarchuk was referring to yesterday in terms of
2 aesthetics and all of those of a less commercial or
3 less tangible nature.

4 Dr. McNamee was brought to indicate to
5 you the approach that we took in terms of looking at
6 three specific provincial values in themselves and, to
7 some degree I think quite convincingly, indicated the
8 degree of biological complexity that's involved, not
9 only in each individual species that's out there and I
10 think -- and we are looking well into the thousands,
11 the complexity of their interactions.

12 And generally that while we -- relative
13 to the task of being able to define all of those
14 linkages and quantify all of those techniques, the
15 amount of science that's expended in the field of
16 environment and natural resource management appears
17 fairly limited.

18 And so, in that sense, if we ever did get
19 down to the point of knowing every single effect out
20 there and we could provide a rule, as they do in
21 physics or in chemistry where, in those kinds of
22 sciences, the quantitative linkages are fairly
23 explicitly known back to Einstein's EMC^2 -- or $E=mc^2$,
24 that kind of thing, you would have such a long list of
25 equations, sir, that the volume of evidence that's

1 presented in this particular hearing would be put to
2 shame in terms of the volumes that we would potentially
3 be dealing with.

4 And I think that might be an exaggeration
5 and an intentional one to try and make a point.

6 Q. Well --

7 A. So if you'll let me finish. I think
8 this is a critical and I think it is a key issue and it
9 is a key level of understanding, sir, that through the
10 hearings we have to make the point.

11 You will find that our way of going about
12 attempting to deal with those environmental
13 uncertainties will show up in terms of the monitoring
14 program when we get there, but also in terms of the
15 degree and the nature of the guidelines in the
16 direction we have provided.

17 If you look at each one of them, they are
18 specifically tailored, if you will, to meet our
19 understanding of how those natural resources actually
20 work out there and tailored to the degree that we can
21 to provide explicit direction to our staff to deal with
22 it.

23 Q. Mr. Straight, I agree, I agree that
24 one needs to be practical in undertaking such
25 exercises, that you can take it to the extreme.

1 But would you not agree that one can go
2 too far in the other direction by not providing enough
3 detail rather than too much detail?

4 A. I would agree, sir, and I would agree
5 that professional judgment would be required to make
6 those decisions.

7 Q. Would you agree that it is desirable,
8 however, to predict significant impacts?

9 A. I believe we have done that and I
10 believe that after hearing the witnesses throughout
11 Panels, particularly 10 through 14, that you will have
12 an appreciation for the degree to which we have
13 reviewed effects, potential effects on the environment.

14 Q. Will panels -- any one of the Panels
15 10 through 14 be adducing evidence relating to the
16 quantitative tools to be used for impact prediction for
17 significant features such as moose?

18 A. I believe that it is already on
19 record in terms of dealing even earlier with some of
20 the material that -- and, as Dr. McNamee alluded to
21 here, there is a general lack of that quantification
22 for rules as to how moose will be impacted.

23 That doesn't mean there isn't a lot of
24 understanding in terms of the directions and the nature
25 of potential effects.

1 Q. Would you agree then that, in effect,
2 the ESSA effects model is the closest thing to the
3 provision of that quantitative tool up to date?

4 A. I do not know whether the ESSA model,
5 as you referred to, is the best thing. I am generally
6 aware that a lot of organizations do modelling and may
7 pick out specific components of interactions and indeed
8 they may have something better, but I cannot answer
9 that question.

10 Q. But for the Ministry isn't this the
11 closest thing to the provision of that quantitative
12 tool that's used for impact prediction for significant
13 features?

14 A. Significant features on what?

15 Q. For non-timber values such as moose,
16 deer--

17 A. Well, such as --

18 Q. --or aquatic --

19 A. The ESSA model, as Dr. McNamee
20 explained, was used as part of a process to facilitate
21 understanding, communication, synthesis of significant
22 effects in an attempt to achieve consensus on those
23 effects which, for those three values that we
24 identified, would assist us both in understanding --
25 developing a current understanding of the nature of

1 effects of timber management on those values and assist
2 us in developing a monitoring program on the basis of
3 that understanding.

4 Q. Mr. Straight, you were the senior
5 administrator in the Ministry responsible for the ESSA
6 contract; is that correct?

7 A. Myself and Jim McLean, our fisheries
8 section supervisor, were co-instrumental in that
9 process.

10 Q. I was listening to what you were
11 saying, Mr. Straight, but I still don't -- I must
12 admit, I still don't fully understand the relationship
13 of the ESSA work to the overall planning process that
14 this Board is being asked to approve.

15 Now, there may be clarification coming
16 based on the cross-examination we will have for Dr.
17 McNamee, however, at this point it is my understanding
18 that the ESSA model is in fact really not on file with
19 the Ministry's offices; is it?

20 A. I don't believe it was and it was
21 not -- nor was it a specific requirement that we wanted
22 as part of the process.

23 DR. McNAMEE: A. It was not a part of
24 the contract that we had with MNR to hand that model
25 over to them after the monitoring project was over.

1 It was, from the start, agreed to by all
2 involved that it would not be used as a tool to
3 quantitatively predict what the effects might be.

4 We were going to use the steps and the
5 process of building that in order to have people state
6 as explicitly as they could what the best current
7 hypotheses of effects are and that's the sole reason
8 why that tool was built. It was very important to
9 realize it was not ever intended to be a tool to
10 quantitatively predict what the effects of timber
11 management actions may be.

12 Q. So then I presume this is the reason
13 why - and correct me if I am wrong - but this is the
14 reason that no Ministry personnel were trained in the
15 operation of the ESSA model?

16 MR. STRAIGHT: A. That's correct.

17 Q. And yet, as far as I can tell, this
18 is the only assemblance of a quantitative impact
19 prediction tool the Ministry has developed for
20 non-timber impacts, and now you are telling us that
21 that being so -- or I presume you are prepared to say
22 that is so - and Dr. McNamee you have explained then
23 why the Ministry has not seen fit to operationalize the
24 model - that that wasn't part of the contract; is that
25 correct?

1 DR. McNAMEE: A. It was not part of the
2 contract we had. It was also the sense of those
3 involved in all of the workshops that it would not be
4 an appropriate use of that tool because the
5 understanding in terms of being able to explicitly
6 describe what the effects of various timber management
7 actions are is, for a large number of the effects,
8 extremely poor.

9 Q. All right. We will come back to you
10 later on that.

11 Mr. Straight, could you explain to me
12 your understanding of what constitutes the evaluation
13 phase of environmental assessment?

14 A. The evaluation phase--

15 Q. Yes.

16 A. --of environmental assessment. We
17 will be getting into that in depth in Panel 16 of which
18 I am one of the -- an author of one of the papers
19 there. If you wish me to explore it now, I can --

20 THE CHAIRMAN: Well, I don't think that
21 was explored in your direct examination and if it is
22 going to be left specifically to Panel 16, I think it
23 should probably be left there.

24 MR. WILLIAMS: Well, perhaps, Mr.
25 Chairman, there are two elements of that that I wanted

1 to talk about specifically and perhaps --

2 THE CHAIRMAN: Well then, ask a specific
3 question as opposed to describing the whole process
4 because I think that is going to be dealt with, Mr.
5 Williams.

6 MR. WILLIAMS: I wanted to ask Mr.
7 Straight about ratings and weights.

8 Q. These are terms that are often used,
9 are they not, in relation to the evaluation phase of
10 environmental assessment, ratings and weights?

11 MR. STRAIGHT: A. Weights of moose, sir?

12 Q. No, no.

13 THE CHAIRMAN: Mr. Williams, have we
14 heard about this in direct? I mean, has it been dealt
15 with by this panel?

16 MR. WILLIAMS: Let me think for a second,
17 Mr. Chairman.

18 MR. CAMPBELL: Mr. Chairman, while Mr.
19 Williams is taking this moment, I take it you are not
20 suggesting that simply because a matter has not been
21 dealt with in direct that it can't be dealt with in
22 cross-examination.

23 THE CHAIRMAN: No, I am not suggesting
24 that; but what I am suggesting, Mr. Campbell, is the
25 fact that it is going to be dealt with extensively in

1 another panel...

2 MR. CAMPBELL: Oh, I see. I am sorry, I
3 misunderstood.

4 THE CHAIRMAN: If it hasn't been dealt
5 with by this panel in its direct testimony but is going
6 to be covered later, is it really advantageous to the
7 Board to get into the whole area at this stage?

8 MR. CAMPBELL: I misunderstood your
9 comment.

10 MR. WILLIAMS: Mr. Chairman, I think the
11 answer is no, it hasn't been dealt with in direct, but
12 I think it is important for us at this stage because,
13 as I say, this panel is a turning point for us in
14 having a complete understanding of the decision-making
15 process and these are ingredients that feed into it and
16 I think it is important for us to have an understanding
17 of the Ministry's perception and techniques and ways in
18 which they deal with rating and weights.

19 So I would respectfully suggest, Mr.
20 Chairman --

21 THE CHAIRMAN: Let's deal with those two
22 topics but, Mr. Straight, take care not to repeat here
23 what you are going to repeat in Panel 16 because if you
24 do we are going to have trouble when we get to Panel
25 16.

1 MR. STRAIGHT: I will find that very
2 difficult to do, sir, because of the nature of the
3 subject, to make that separation because that
4 particular subject matter will be dealt with in some
5 depth in Panel 16.

6 MR. WILLIAMS: I think I have about three
7 questions on those topics, Mr. Chairman, if that might
8 assist the Board, that we won't be taking this to such
9 an extensive point that it will detract from what is
10 coming in Panel 16.

11 THE CHAIRMAN: Okay. Ask your three
12 questions and we will see where they lead.

13 MR. WILLIAMS: Okay.

14 Q. All right. Let's just come back for
15 a moment then, Mr. Straight. I don't think you had an
16 opportunity to concur or disagree with my suggestion
17 that the terms, ratings and weights, are often used in
18 relation to that evaluation process in the
19 environmental assessment.

20 MR. STRAIGHT: A. By the term -- by
21 those terms, do you mean the potential significance of
22 effect?

23 Q. All right. Let me give you my
24 interpretation. My understanding of ratings is that
25 they are relative measures within a factor.

1 Let me give you an example, if I might.
2 One cutting pattern may affect moose twice as much as
3 another, in this case the rating for the high impact
4 pattern would be twice the other with respect to moose.
5 That's my understanding of the word rating and I think
6 the example is valid.

7 Is that how you use the term rating?

8 A. I can use it that way.

9 Q. Thank you. With regard to weights,
10 my understanding is that they are the significance
11 attributed to different factors and, again, by way of
12 example: One might decide that wood volume was twice
13 as significant as moose and the former would be
14 weighted twice as heavily as the latter in reaching a
15 decision on the management prescriptions for a specific
16 area.

17 Would you agree with that interpretation
18 I have given to the word weights and the example I have
19 used?

20 A. I can use that use of the term. I
21 believe those are also some of the -- that your
22 weighting description would also represent some of the
23 situations I talked about in terms of tradeoffs in
24 terms of cross-examination. Would that be the same?

25 Q. To some measure, yes, I hope so.

1 MRS. KOVEN: And generally, Mr. Straight,
2 to your point of the use of professional judgment?

3 MR. STRAIGHT: In terms of weighing the
4 factors, yes.

5 MR. WILLIAMS: Q. All right. Then --
6 sorry, were you...

7 Then would you agree that the evaluation
8 phase of the EA involves compiling the ratings and
9 weights for all factors and, on this basis, a preferred
10 course of action is determined?

11 MR. STRAIGHT: A. In evaluation phase,
12 do you mean monitoring phase?

13 Q. No.

14 A. Okay. Then what do you mean
15 evaluation phase?

16 Q. Evaluation phase is built into those
17 five ingredients that we outlined at the outset of what
18 constitutes the essence of an environmental assessment.

19 A. And that would also be that area of
20 concern planning process, the Appendix 1, Appendix 2,
21 one in terms of areas of concern and the other one
22 dealing with access roads. That would -- in my
23 understanding that is the evaluation -- my sense of
24 what you mean by evaluation phase.

25 Q. No, I am referring to...

1 A. That's the process where we go
2 through looking at a specific value in making a
3 decision after having reviewed potential effects of
4 different alternatives, looking at what kinds of
5 preventative or minimizing measures can be taken to
6 reduce effects and the process in which we make a
7 specific judgment on what direction to take to protect
8 or enhance perhaps an environmental value.

9 In my understanding of the timber
10 management planning process and the Environmental
11 Assessment Document, that's where I would say we
12 actually conduct that rating and weighting that you
13 refer to.

14 Q. Well, you asked whether -- you were
15 relating it to the appendices in the Class EA; I am
16 relating it to the evaluation phase as incorporating
17 all of those four major ingredients of inventory
18 process, impact prediction--

19 A. All of those --

20 Q. --evaluation, redesign mitigation?

21 A. Yes, and all of those come together
22 in Part II of the Class EA to which you referred me
23 earlier, but those specific area of concern planning
24 processes, if you will, are also elaborated on further
25 in Appendix 1 and 2.

1 Q. Yes, all right. That's fine. Thank
2 you.

3 THE CHAIRMAN: Mr. Williams, it is almost
4 time for the morning break. Would this be a convenient
5 time?

6 MR. WILLIAMS: Yes, Mr. Chairman.

7 THE CHAIRMAN: Very well. We will break
8 for 20 minutes. Thank you.

9 ---Recess taken at 10:33 a.m.

10 ---Upon resuming at 11:05 a.m.

11 THE CHAIRMAN: Thank you, ladies and
12 gentlemen. Please be seated.

13 Ladies and gentlemen, just before we
14 proceed, I must advise you that Mr. Williams has
15 addressed the Board during the break and has indicated
16 that he feels that his cross-examination may take, in
17 addition to today, an extra day, and we have indicated
18 that we would like to see the cross-examination move
19 along at a quicker pace, if possible, and that we may
20 sit a little longer today - certainly not a lengthy
21 session beyond dinner time - but we are suggesting that
22 perhaps it might be necessary for the Board, in this
23 instance, to take an hour for lunch, come back and put
24 in a fairly lengthy afternoon.

25 As you are aware, we base the scheduling

1 that the Board announced this morning on the estimates
2 of counsel. We certainly expect when counsel estimate
3 how long they are going to be, although they can't be
4 precisely to the minute, we do expect them to be
5 relatively forthright in their estimates.

6 As you saw from yesterday's session, both
7 Mr. Cosman and Ms. Swenarchuk each estimated
8 approximately half a day and that is how long they
9 were - and Mr. Edwards the same - and we cannot proceed
10 expeditiously with this hearing on the basis of counsel
11 estimating a particular amount of time and then
12 advising the Board that, in fact, it has to be doubled.

13 Also, the Board feels strongly that its
14 scoping session should have a desired effect; the
15 desired effect being to cut down, to some extent, the
16 oral part of the hearing where possible with a focusing
17 upon issues in dispute. We think, to some extent, it
18 has had that effect since we instituted the scoping
19 procedures, but we are going to ensure, to the best of
20 our ability, that it will continue in that fashion.

21 So, Mr. Williams, we would ask you at
22 this time to proceed and bear in mind that the Board
23 does not intend to restrict you in terms of
24 cross-examination with the exception that we will not
25 put up with repetition and we will not put up with

1 matters that we consider irrelevant to the issues being
2 discussed with this panel. And we want you to take
3 particular cognizance of the fact that some of these
4 issues which concern you and your client will be, as we
5 are told, addressed by subsequent panels in more depth.

6 So with that, we will proceed and we will
7 be sitting a fairly lengthy time today to accommodate
8 you as much as possible.

9 That, Mr. Campbell, may change the order
10 of things and it may be that you will not get on until
11 next Tuesday. Again, it depends on where we end up.

12 MR. CAMPBELL: Again, Mr. Chairman, it
13 really is just for my own arrangements. I probably
14 shouldn't waste time on it, but it would be helpful if
15 we could deal with that part of our cross-examination
16 that relates to the interrogatories. I will attempt to
17 meet with Mr. Freidin and there are a few matters there
18 that I think we can reduce the time spent in the oral
19 part of the hearing by just coming to some agreement of
20 certain of those things.

21 I will go over with him the questions
22 that I wish to raise, but if that could be done this
23 week, which effectively means tomorrow, that would mean
24 that I didn't have to return just for that purpose next
25 week and, if it is at all possible to do that, I would

1 appreciate that.

2 THE CHAIRMAN: Well, we certainly
3 anticipated that in fact would happen, but due to this
4 development that occurred just a few minutes ago it may
5 not be possible. We have to see where Mr. Williams
6 ends up at this juncture.

7 Mr. Williams?

8 MR. WILLIAMS: Mr. Chairman.

9 Q. Mr. Straight, it is my understanding
10 that the three resource guidelines in essence roll the
11 impact prediction, evaluation and mitigation steps of
12 environmental assessment all into one. Is that
13 correct?

14 MR. STRAIGHT: A. And those steps
15 were...?

16 Q. Impact prediction, evaluation, and
17 mitigation.

18 A. Again, by evaluation in that
19 particular context you mean the...?

20 Q. The steps that we talked about.

21 A. No, I guess what I mean by --
22 evaluation is somewhat a new word to me in that
23 specific context. Are you suggesting that the
24 guidelines evaluate potential effects?

25 To that degree, I would agree that those

1 guidelines in terms of the background information that
2 accompanies them attempt to provide an evaluation of
3 potential effects.

4 Q. Yes. If I could refer you to page
5 100 of your witness statement, this is what you are
6 saying. I direct your attention to the second sentence
7 at the top of the page:

8 "Guidelines identify a range of possible
9 techniques or methods by which potential
10 negative effects can be minimized,
11 mitigated or prevented."

12 A. Yes, and that refers to providing
13 advice as to how potential effects can be prevented or
14 minimized, that's correct.

15 Q. I am sorry?

16 A. Yes, I agree with that sentence.

17 Q. There has been considerable
18 discussion on whether the guidelines are mandatory or
19 discretionary, and it is my understanding that in fact
20 the provincial guidelines are mandatory, they must be
21 applied, but at the same time there is some discretion
22 on how they are applied; is that correct?

23 A. The guidelines must be used and in
24 terms of predicting the decision which an individual
25 would generate as a result of using the guidelines,

1 there is some varying degrees of flexibility involved.

2 Q. Presumably the how is determined
3 through some Gestalt-type process evoked by a district
4 staff which incorporates the three EA steps referred
5 to; is that correct?

6 A. I am not sure I know what the word
7 Gestalt-type means.

8 Q. Well, I think it is referring to a
9 nebulous theorematic analysis that is poorly defined,
10 that is what...

11 A. Could you rephrase that question
12 then, please?

13 Q. All right. Presumably, the how the
14 guidelines are applied is determined through some
15 Gestaldt-type process evoked by a district staff and
16 which incorporates the three environmental steps
17 referred to; is that correct?

18 A. I don't think I would use the process
19 as you describe it. I don't believe it is one of a
20 nebulous character. I believe if you read the specific
21 guidelines and the policies that accompany those
22 guidelines, that the words that have been chosen do
23 provide fairly clear and specific direction as to the
24 manner in which they should be applied.

25 Q. Then are you saying that the three

1 guidelines then do contain impact prediction, process
2 evaluation and mitigation steps?

3 A. I think on that page 100, as you
4 mentioned, it refers to the fact that the guidelines
5 identify a range of possible techniques or methods by
6 which potential negative effects can be minimized,
7 mitigated or prevented.

8 I also note that the following sentence
9 suggests that in cases the guidelines may actually
10 improve the conditions for specific resource values.

11 Q. All right. But do you not agree that
12 in order to minimize, mitigate or prevent the potential
13 negative effects that you have to be able to predict
14 them?

15 A. I believe that the prediction of
16 effects is significant in considering mechanisms to
17 enhance, to prevent or to minimize. As we had
18 discussed earlier, the word mitigate generally refers
19 to having observed some effect which was unanticipated
20 and undesirable and taking action to correct it.

21 Q. Yes. I think, just to steer away
22 from that use of that controversial word mitigate,
23 preventative measures might be a more appropriate term
24 to stay with than mitigate. And using it in that
25 context, preventative measures, they are ingredients in

1 those guideline process, preventative measures are set
2 out?

3 A. There are directions as to types of
4 preventative measures to take.

5 Q. All right. Let me -- sorry, I am
6 just going to have to take you back a step here so we
7 are clear in our mind, Mr. Straight.

8 I had asked you earlier - and this is
9 where we got into some difficulty over interpretation
10 of mitigate - I had asked you earlier with regard to
11 the steps in an environmental assessment. I indicated
12 to you that it was my understanding that you can only
13 use preventative measures once an impact has been
14 predicted and my recollection is that you agreed with
15 that.

16 A. Having anticipated or predicting an
17 impact or an effect, a potential effect most often, one
18 can take preventative measures.

19 Q. Can you apply those preventative
20 measures before evaluating?

21 A. Can you apply preventative measures
22 before evaluating?

23 Q. Mm-hmm, yes.

24 A. Can you give me an example of what
25 you are referring to here?

1 Q. Well, just let me ask you: How do
2 you apply the preventative measure until you have
3 evaluated the potential negative impact?

4 A. How do you provide a preventative
5 measure until you evaluate a potential impact?

6 Q. Yes.

7 A. I would assume that some kind of
8 evaluation would be required.

9 Q. So then paragraph -- all right, could
10 you point out -- I have got the Timber Management
11 Guideline for the Provision of Moose Habitat. Do you
12 have that available?

13 A. Yes, I do.

14 Q. Can you point out to me in there
15 where impact prediction is dealt with and evaluation?
16 Let's deal firstly with impact prediction.

17 A. I believe I could do that, sir, if I
18 was given an opportunity to sit down and review in
19 depth that specific question relative to this. And I
20 am aware, in a general sense, of what is contained in
21 the guidelines and the type of direction that is
22 provided, particularly that which is in the summary.

23 If you want to get into depth in terms of
24 the document itself, then Mr. Eiler who will be
25 speaking to you on Panel 10 is perhaps the best person

1 to actually identify sections and pages within the
2 document that would address that concern.

3 Q. That would be satisfactory. Who is
4 it that would be dealing with that?

5 A. I believe it is Dr. Eiler in Panel
6 10.

7 Q. And he would speak to evaluation as
8 well, I suppose?

9 A. He could lead you to specific
10 reference to prediction of effects that are contained
11 in the document.

12 Q. All right, thank you. And would you
13 agree, Mr. Straight, that this complex process is left
14 to the professional and technical expertise of Ministry
15 district staff which, of course, justifies the reason
16 for MNR's emphasis on the training and qualification of
17 its staff.

18 A. Sir, what complex process are you
19 talking about?

20 Q. Of the application of the guidelines
21 and the three steps that you say are incorporated in
22 that process of impact prediction, evaluation and
23 preventative measures.

24 A. Those are your three steps. I
25 indicated to you, I thought, where I thought those

1 three steps of yours were dealt with in the
2 Environmental Assessment Document.

3 Our particular evidence deals with the
4 introduction of these guidelines and other tools which
5 I suggested had a role to play within that area of
6 concern planning process in terms of providing advice
7 and direction to staff.

8 And, to that degree, I mean I think I
9 have to be fairly firm in the way in which I say that,
10 and I think it is fairly clear.

11 Q. All right. All right. Do you
12 believe that even the most qualified and experienced of
13 your staff in the - I guess it is 43 districts of the
14 undertaking - have the capability to solve on their own
15 complex, multi-dimensional problems that require three
16 person years, a major computer program, an extensive
17 database, a great deal of computer time to analyze?

18 A. I believe there are 33 districts.

19 Q. 33.

20 A. I believe that's correct, and the
21 short answer to your question is, yes, I believe people
22 are qualified to make reasonable and practical
23 judgment.

24 Q. But isn't the support of those
25 professional judgment part of what the ESSA model is

1 all about, to support that professional judgment
2 activity?

3 A. Not just the model, sir. And I think
4 we tried to indicate - and perhaps Peter might want to
5 jump in here later in describing the role of the model
6 as well - we feel that the types of directions and the
7 types of understanding that we achieve as a result of
8 going through those processes help us to provide good
9 information to staff.

10 And I don't know, peter, did you want to
11 comment on the model?

12 DR. McNAMEE: A. I want to re-emphasize
13 why the model was built and if I could refer you to the
14 March, '88 Report which was reviewed by all of those
15 people who are involved in the workshops, the last
16 paragraph on page 5.

17 Q. Just hold on a second. Okay.

18 MR. FREIDIN: What page? Page 5?

19 DR. McNAMEE: Page 5, the last paragraph
20 on page 5 of the March, '88 Report.

21 MR. WILLIAMS: Yes.

22 MR. FREIDIN: Just wait a moment until I
23 find my copy.

24 MR. WILLIAMS: Yes. Do you want to see
25 it (handed)

1 MR. FREIDIN: Sorry, Mr. Chairman what
2 page again?

3 DR. McNAMEE: 5. The bottom paragraph on
4 page 5 describes in very certain terms what the process
5 of building the model was used for. Nowhere there does
6 it say that the model was to be used to, in any way,
7 predict effects of what the various timber management
8 actions might be.

9 MR. WILLIAMS: Q. As to what the various
10 timber management--

11 DR. McNAMEE: A. Actions--

12 Q. --actions. Okay.

13 A. --might be and how well the
14 guidelines might prevent or minimize those effects.

15 Q. Okay, thank you.

16 Mr. Straight, I am intrigued to see the
17 output of this proposed timber management planning
18 process and specifically to see how the difficult
19 decisions and analysis are made, how they are
20 documented. At some point in this hearing, I am hoping
21 that we will be led step-by-step through the EA
22 planning process being proposed by the Ministry with a
23 specific example of a timber management plan or even
24 perhaps several.

25 I don't know whether you can advise me if

1 that is going to happen or not but in order, of course,
2 to see how all the pieces fit together and how the
3 system is implemented are you able to; or if not,
4 perhaps counsel could suggest to me several
5 well-documented examples of timber management plans
6 where Ministry staff have undertaken such an analysis
7 and what you would view as being acceptable and
8 consistent with the proposed Class EA?

9 MR. FREIDIN: I think you will have to
10 wait for the evidence Panel 15 and you will have to
11 make the judgment as to whether it is satisfactory or
12 not, Mr. Williams.

13 MR. WILLIAMS: Q. I had asked Mr.
14 Straight if he was able to suggest to me any
15 well-documented examples of timber management plans
16 where this material is available.

17 MR. STRAIGHT: A. It is just my general
18 belief that probably what you will see in Panel 15 will
19 be a good example, sir.

20 Q. There is an example coming there I
21 believe; is there, of a timber management plan?

22 A. I believe there is an example, Mr.
23 Freidin. That's correct.

24 Q. I think I saw that one, it came into
25 the office the other day. So there will be a model to

1 work with. All right. Thank you.

2 Mr. Straight, are you familiar with the
3 terms traceability and accountability as they are used
4 in the Environmental Assessment Branch of the Ministry
5 of the Environment?

6 A. I would have you define them for me
7 just to ensure that I was familiar with the use of the
8 words.

9 Q. Well, I am just asking whether you
10 are familiar with those terms?

11 A. Well, I am familiar with those terms.
12 I am not -- in my own language, I would talk about
13 traceability in terms of tracing an effect, in terms of
14 following up with monitoring or I can talk about
15 tracing a paper trail which is a commonly used form in
16 the Ministry.

17 So those are the problems I have when you
18 use those words.

19 Q. Let me use the term traceable in this
20 this context. Would you agree that for effective
21 public involvement in the EA process that the EA
22 Documents must be traceable?

23 A. So you are talking paperwise and
24 documentation--

25 Q. Yes.

1 A. --of public contact?

2 Q. Yes.

3 A. They are traceable, yes. And again
4 we are getting into the evidence of 15.

5 Q. And you agree that they are
6 traceable?

7 A. It is my experience that they are
8 traceable.

9 Q. And to the end purpose of effective
10 public involvement?

11 A. Sir, effective public involvement is
12 a very qualitative position. In my job as a resource
13 administrator one of my objectives is to achieve, to
14 the degree that I can, working through district
15 managers and working through the people that report to
16 me, that that consultation is effective.

17 And I can assure you, as Mr. Pyzer I
18 think tried to point out in Panel 7 and as Mr. Clark
19 tried to point out in Panel 7, effective public
20 consultation participation is an objective that we
21 sincerely attempt to achieve.

22 Q. All right. Would you agree that only
23 by clearly and completely documenting each step of the
24 process, including the data used, impact prediction
25 methodologies and results, evaluation methods and

1 inputs and optimization techniques for preventative
2 measures can an EA be made traceable, only by
3 application of those and documenting of those steps?

4 A. Sir, you are asking me to agree to an
5 awful lot of words in a very short period of time. If
6 you want to take me through them very closely again, I
7 will try and answer that question.

8 Q. All right. The data used...

9 A. And with what -- now, this is
10 documentation of the data used?

11 Q. I am sorry?

12 A. The issue is documentation of data?

13 Q. Yes, in each step of the process.

14 A. Documentation of data, each step --
15 documentation of each step of the process?

16 Q. Yes, each step of the data used.

17 A. Each step of the data used.

18 Q. The process -- each step of the
19 process including the data used, impact prediction
20 methodologies and results --

21 A. Including data used. I am sorry, I
22 hope I am not...

23 Q. Let me give you the question again,
24 let's just go back here. Would you agree that only
25 by...

1 MR. FREIDIN: I think you should take it
2 slowly enough so that he can write it down.

3 MR. WILLIAMS: Q. Yes, okay. Would you
4 agree that only by clearly and completely documenting
5 each step of the process including the data used,
6 impact prediction methodologies and results, evaluation
7 methods and inputs and optimization techniques for
8 mitigation can an EA be made traceable?

9 MR. STRAIGHT: A. Can an EA be
10 traceable?

11 Q. Be made traceable?

12 A. I guess with some degree I am not
13 sure what you mean by optimization of mitigation
14 techniques. Mitigation is a word, as I understand, we
15 did have defined. I would generally say--

16 Q. Optimization techniques.

17 A. --in my experience that the practice
18 and the process of timber management planning and the
19 documentation which we currently do is a very
20 acceptable, reasonable and practical process to deal
21 with issues of preventing and minimizing environmental
22 effects.

23 Q. Mr. Straight, I don't -- let me read
24 this question to you once more. I don't think you are
25 giving us the answer.

1 THE CHAIRMAN: Well, hold on a second,
2 Mr. Williams.

3 MR. WILLIAMS: I don't want to belabour
4 this.

5 THE CHAIRMAN: I think we have had two
6 stabs at the question in that form. Why don't you try
7 rewording the question in a different way and
8 approaching it perhaps from a different direction,
9 because I think it - maybe I am just speaking for
10 myself - but I don't think it is that difficult to
11 answer precisely if you perhaps break it up and
12 reformulate it in a different way.

13 MR. WILLIAMS: Okay. Just give me a
14 minute for that, will you, Mr. Chairman. I think it is
15 an important question, we would like to get it
16 clarified.

17 Q. Perhaps we can capsulize it this way:
18 It would be more helpful, would you agree, that to make
19 an environmental assessment traceable both, the
20 proponent says, the data and the analytical tools must
21 be clearly and completely documented?

22 A. The data, the process and the
23 analytical tools. I guess my response to you would be
24 that I -- again, that basically I believe that the area
25 of concern planning process that you referred to sets

1 out adequate direction as to the nature of evaluating
2 environmental alternatives for the purpose of this
3 assessment.

4 Q. With respect, Mr. Straight, I don't
5 think that's answering the question that I put to you.

6 MR. FREIDIN: Mr. Chairman, I think that
7 the question has been put a number of different ways to
8 this witness.

9 The witness has indicated what his view
10 is of the planning process which is described in the
11 environmental assessment. I don't think it will come
12 as a surprise to me if Mr. Williams told me he was
13 trying to lay the groundwork for some evidence that he
14 would like to call.

15 I think he has attempted to do that, and
16 I think he has got certain information that may or may
17 not be helpful to him, but I think he has gone down
18 this line about as far as I think is proper and if it
19 is his view, or if he has expert witnesses who want to
20 get up and differ perhaps from the conclusions reached
21 by Mr. Straight, then I think that obviously he has the
22 right to do so and that's where this matter should be
23 dealt with, not by continually repeating the question
24 and attempting to make his entire case through this
25 panel.

1 MR. WILLIAMS: Perhaps I have just one
2 more question that's germane to what we are trying to
3 develop there, Mr. Chairman, and then I will move on to
4 another...

5 THE CHAIRMAN: Once again, let me caution
6 the panel. When you listen to the question, if you can
7 answer it, answer it; if you feel you have answered the
8 question, state that you feel that you have answered
9 that question to the best of your ability. If it is
10 one that can take a yes or no answer, please answer in
11 that fashion.

12 And all we are saying is, is that Mr.
13 Williams and all other parties will have an
14 opportunity, as Mr. Freidin has pointed out, to call
15 their own witnesses in their part of the case to put
16 forward whatever different suggestions or positions
17 they wish to. All we want from you, panel, is your
18 appreciation of the question and your answer to that
19 question.

20 And I do not think we can go much further
21 than that, Mr. Williams, because they may not provide
22 the answer that you specifically are looking for, but
23 that is not necessarily their role.

24 MR. WILLIAMS: Understood, Mr. Chairman.

25 Q. Mr. Straight, what concerns me is the

1 use of guidelines and the professional judgment
2 approach to impact prediction and evaluation being
3 proposed precludes timber management plan environmental
4 assessment from being traceable. That's the concern I
5 have.

6 And we have discussed the three essential
7 steps of environmental assessment which--

8 MR. FREIDIN: Which were described by the
9 witnesses as your three steps qualified by him in his
10 answer.

11 MR. WILLIAMS: Yes.

12 MR. FREIDIN: Yes.

13 MR. WILLIAMS: Q. --which steps to our
14 mind are still somewhat blurred and, as a result, so
15 will be the basis for individual decisions on area
16 prescriptions. That is a concern we have.

17 Can you assure this Board that these
18 concerns are unfounded and that the three critical
19 steps of impact, prediction, evaluation and redesign
20 mitigation will be explicitly and quantitatively
21 documented in all timber management plan EAs prepared
22 under the planning process being proposed using a
23 provincial guidelines approach?

24 THE CHAIRMAN: Just a minute. Mr.
25 Straight, let's put this question to you:

1 Do you feel, in your opinion, that the
2 processes employed by the Ministry in the timber
3 management process are adequately documented as far as
4 you are concerned?

5 MR. STRAIGHT: Yes, I do.

6 MR. WILLIAMS: Q. Let me turn my
7 attention, Mr. Straight, to the qualifications of MNR
8 staff and their importance to the proposed EA planning
9 process.

10 Now, in your witness statement and in
11 several preceding panels much emphasis has been placed
12 on the qualifications and experience of MNR staff. I
13 would like to obtain your views as to why this is so
14 important to the proposed undertaking, if you could
15 assist me in this area.

16 MR. STRAIGHT: A. My views as to why it
17 is important to have trained professional and technical
18 staff?

19 Q. Yes. If MNR staff were not to have
20 such qualified and experienced staff, as you have
21 described, what would be the implications to the
22 planning process being proposed?

23 A. Sir, I don't think for one thing the
24 Ministry would be proposing this kind of a process if
25 we didn't have those trained professional, technical

1 staff, nor would we be in the job of doing resource
2 management which is also part of our responsibilities.

3 THE CHAIRMAN: Mr. Williams, again I hate
4 to interrupt, but can't the Board take judicial notice
5 of the fact that since the planning process involves
6 judgment calls on the part of MNR staff, both within
7 application of the guidelines and elsewhere, that if
8 they weren't adequately trained those judgments would
9 perhaps be faulty and, therefore, the end results, the
10 decisions emanating from those judgment calls, would
11 not be to the same degree of quality, if I might put it
12 that way, as if they were adequately trained?

13 I mean, it seems to the Board that that
14 kind of proposition almost automatically follows.

15 MR. WILLIAMS: But I think it also raises
16 what would have to be the, I suppose, cause/effect type
17 of situation as framed in my next question, Mr.
18 Chairman, and that is:

19 Q. That Mr. Straight is a senior
20 administrator in the Ministry, if he knew that indeed
21 significant staff deficiencies in terms of
22 qualification and experience were likely, would you be
23 inclined in that circumstance to make the planning
24 process more explicit or less explicit?

25 MR. STRAIGHT: Why if staff -- if there

1 were limitations on staff or deficiencies identified in
2 staff, my first sense as an administrator would be to
3 explore how I could overcome those deficiencies.

4 Q. Would part of that exploration
5 include the idea of making a planning process more
6 explicit?

7 A. What particular part of the planning
8 process are you talking about?

9 Q. Any part of the process that may not
10 be as explicit as it is today, given that you have the
11 backup of these qualified experienced people, but if
12 there was a deficiency that arose and you didn't have
13 the full qualified staff, do you feel that the planning
14 process would have to be reinforced in an yway in a
15 more explicit fashion?

16 A. You are asking, as I can sense,
17 somewhat of a hypothetical question. My response to
18 you would be that typically the planning process that
19 has been developed is, in MNR's estimation, the process
20 which will most effectively, practically and reasonably
21 deliver the particular product in this case we are
22 trying to achieve.

23 If deficiencies in staff are noted - and
24 indeed that is something that every manager is acutely
25 aware of and deals with on a routine basis - then we

1 take the appropriate training steps to deal with that
2 and that would be the first course of action to do with
3 it.

4 Q. All right. Well, let me give you one
5 example and maybe you can respond to that. If instead
6 of having professional biologists on staff you only had
7 technicians, would you be inclined in that circumstance
8 to provide greater direction or to permit less
9 discretion?

10 A. Well, sir, why wouldn't I correct
11 that situation by employing biologists?

12 THE CHAIRMAN: We have to deal with the
13 real application; do we not, Mr. Williams?

14 MR. WILLIAMS: Yes.

15 THE CHAIRMAN: I mean, the Ministry does
16 have trained staff. Now, you may disagree with the
17 amount or quality of their training, that's fair game,
18 but surely it is not helpful to put forward a
19 hypothetical as to whether they have trained staff in
20 certain areas where you know perfectly well that they
21 do.

22 MR. WILLIAMS: Well -- all right, Mr.
23 Chairman, but there is the concern of the blending of
24 ministerial direction and professional judgment and if
25 one is lacking, then the other perhaps has to be

1 reinforced, and that's really the point I was coming to
2 by way of example.

3 THE CHAIRMAN: Okay. But are you
4 alleging that it is lacking?

5 MR. WILLIAMS: No, no, I am not. I am
6 raising the question as to: Would this be an
7 appropriate remedial measure to take if, in fact, at
8 any given point in time there was a shortfall in the
9 trained, qualified personnel. And I don't think it is
10 necessarily totally hypothetical, it could happen even
11 if on a short-term situation.

12 THE CHAIRMAN: Well, can you answer that
13 specific question? If the training and expertise was
14 lacking, would it be possible, in your view, to tighten
15 up the direction provided to overcome that deficiency?

16 MR. STRAIGHT: To tighten up the
17 direction required?

18 THE CHAIRMAN: Well, to provide greater
19 direction and leaving less discretion to what would
20 normally be exercised by trained staff, but since you
21 don't have the trained staff you want to reduce the
22 discretion by providing more direction, if I understand
23 Mr. Williams' question.

24 MR. STRAIGHT: That would be, in a
25 general sense, an alternative that would be examined.

1 In my experience though again, at this
2 point in time I would consider it to be probably an
3 undesirable one, just simply because the whole
4 organizational framework of the Ministry and all of the
5 stage and foundation that we have tried to present in
6 evidence speaks to the way in which we go about doing
7 the business; the fact that we do have trained staff,
8 the fact that we do have a decentralized organization,
9 the fact that we have delegation of authority.

10 And it is so inherent in the way the
11 Ministry of Natural Resources does business that it
12 would be -- towards bolstering that process would be
13 the first place that we would look.

14 MR. WILLIAMS: Q. All right. Perhaps
15 you can assist me here, Mr. Straight. Dealing with the
16 qualified and experienced staff, it seems to me, and
17 what I have concluded is that there are basically two
18 reasons for the need for a highly qualified and
19 experienced staff.

20 One, it has been stated throughout that
21 much of the site-specific data available to MNR is
22 gained through local experience of its staff and,
23 therefore, one of the reasons for experienced staff, as
24 I understand it, then is to reduce data collection
25 requirements; is that correct?

1 MR. STRAIGHT: A. To reduce data
2 collection requirements?

3 Q. Yes.

4 A. I don't think we specifically set out
5 to reduce data collection requirements. In that
6 context I have trouble answering that question.

7 It may well be that an informed and
8 educated individual at the ground level can make a
9 judgment on a situation which does not require as much
10 data and, in that context, I would agree with you.

11 Q. Okay.

12 THE CHAIRMAN: Why isn't local knowledge
13 considered data, though?

14 MR. STRAIGHT: If it is used in that
15 context, I would consider that data, yes. In terms of
16 a straight scientific sense, sometimes data is a very
17 explicit commodity.

18 MR. WILLIAMS: Q. All right. By the
19 same token, if you knew as a senior administrator in
20 the Ministry that local staff in a given district had
21 little local experience, would you not be inclined then
22 to demand a higher level of effort expended on data
23 collection before you would feel the same level of
24 confidence with a timber management plan prepared by
25 the staff with extensive local experience?

1 MR. STRAIGHT: A. We deal with that in a
2 number of ways. We deal with inexperienced staff by
3 providing them with training mechanisms; we do employ
4 people, as you saw in the last evidence panel, Neville
5 Ward who is available to staff at the field level to
6 assist them in making decisions in situations where
7 they have problems.

8 We do encourage the use of experts to
9 assist people in knowing the bounds or their own bounds
10 and the degree to which they can -- and this is a whole
11 part of, I guess, professional judgment calls and
12 knowing the limitations of staff and their ability.
13 Those are the kinds of ways that we attempt to
14 compensate for that particular situation.

15 Q. Mr. Straight, you have told us how
16 you try to avoid this type of situation occurring by
17 training the staff and making sure that they meet
18 certain minimum standards of qualification and
19 expertise.

20 But given that a situation could
21 conceivably exist and perhaps does in part, if not in
22 total, that there are those who don't come up to those
23 minimum standards that you expect, would you not in
24 that situation, even if you are going to be doing the
25 training process, be inclined to demand a higher level

1 of effort expended on data collection to reinforce that
2 shortfall?

3 A. We expect that a reasonable level of
4 data that is required to achieve or to meet the needs
5 of a specific resource management decision should be
6 provided. Here, again, you are dealing in
7 hypotheticals. Maybe if you give an example I could
8 provide some more clarification.

9 Q. I will take what you have said and I
10 will go on to the second reason, as I see it, for
11 wanting highly qualified and trained staff.

12 And it is my belief that it is because of
13 the demands on them in terms of data analysis and
14 interpretation is so great that they should be highly
15 qualified and trained in order to cope with that influx
16 of analysis and interpretative material. Do you agree?

17 A. I am not sure I agree with your
18 interpretation in terms of workloads that might be
19 involved because I don't get a sense that you are
20 relating a specific issue to the level of the timber
21 management plan.

22 If you look at the Fisheries Guidelines,
23 for example, I mean, there you see where the Ministry
24 feels comfortable in providing direction and, in many
25 cases, it is fairly explicit. It tells you that if you

1 know a water body exists, that automatically if that's
2 all the information you have, you go to the guidelines
3 and it tells you essentially that on the basis of the
4 best understanding of aquatic environments, that if one
5 is to impose a reserve of a specific nature that we
6 feel comfortable, that that's a reasonable way to go
7 about protecting that aquatic environment.

8 It then specifically tells you what types
9 of data and the quality of data you require to make
10 additional decisions. And that's quite, I think,
11 fairly good direction, but it all started with
12 basically the fact that you knew a water body existed.

13 Now, a technician can tell that; I am
14 sure most of the people in this room can tell that, and
15 the mode of action is one of taking measures to protect
16 based on current scientific understanding. So I am
17 having trouble getting a good sense for just what kinds
18 of situations you are talking about.

19 Q. Well, all right. Let's relate it to
20 what you said at the opening, what you said was one of
21 the fundamental messages you wanted to get across to
22 this Board, and you had said that you wanted -- the
23 message that you had is that the Ministry provides
24 assistance to staff to make decisions and you were
25 going to show us, in this panel, how those kinds of

1 decisions and the assistance that you provide in terms
2 of written direction and in terms of utilization of a
3 decentralized organizational structure, in that process
4 it encourages information transfer and --

5 THE CHAIRMAN: Mr. Williams, isn't this
6 the area that we dealt with relatively extensively to
7 date to do with integrated resource management, the
8 idea that decisions are made not in isolation of each
9 other but various expertise is brought in at whatever
10 level it is needed in terms of whatever problems are
11 being addressed and all of this input goes into the
12 decision-making process.

13 You don't need an individual on the
14 ground, I would suspect, that is knowledgeable in
15 everything that would go into a total decision because
16 you are not just relying on that individual's
17 discretion, you are also relying on the input of other
18 experts, technical people that have something to do
19 with the problem that's being addressed.

20 I mean, we heard about integrated
21 resource management in earlier panels and it seems to
22 me that your questions in this area, Mr. Williams, are
23 getting into that area.

24 MR. WILLIAMS: Mr. Chairman, just one
25 correction. You suggest that we were trying to

1 identify individuals with the -- and I have always
2 spoken in terms of the plural, not the singular, in
3 saying wanting highly qualified and trained staff.

4 I wasn't suggesting any particular
5 individual on the staff, but it is a component
6 situation of a number of qualified people to make the
7 process work.

8 Q. All right. Mr. Straight, if you were
9 a senior administrator -- if you knew as a senior
10 administrator in the Ministry that highly qualified
11 staff were not available in a district, would you not
12 be inclined to reduce the degree of discretion in the
13 guidelines?

14 MR. FREIDIN: I think he has already
15 answered that question, Mr. Chairman.

16 MR. WILLIAMS: I was referring
17 specifically to the guidelines now. I don't think that
18 question was specifically put.

19 THE CHAIRMAN: Sorry, what was your
20 question again?

21 MR. WILLIAMS: If Mr. Straight knew, as a
22 senior administrator, that highly qualified people were
23 not available in the district, whether or not he would
24 be inclined to reduce the degree of discretion that
25 exists in the guidelines.

1 MR. FREIDIN: He asked the question about
2 discretion generally and he gave his answer.

3 MR. WILLIAMS: I didn't refer
4 specifically to guidelines; I am now.

5 THE CHAIRMAN: Would the reference to
6 guidelines in this question render an answer from you
7 any different than your previous answer?

8 MR. STRAIGHT: Well, it may. I can
9 probably relate I guess to my own practical experience.

10 One of the reasons that basically you
11 heard us refer to a coordination -- provincial
12 coordination and training program that Mr. Kenrick has
13 set up also comes to the attention -- to me as one
14 of -- well, as an assistant regional director in this
15 particular case.

16 One of the tasks that I am concerned
17 about when we do get direction at a provincial level is
18 to look at -- to ensure that our people are
19 interpreting things in a reasonably consistent manner
20 and it is rather amazing that no matter how many ways
21 you write things people have different views as to
22 their interpretation.

23 So we take it upon ourselves to entrust a
24 John McNicol type, if you will. In our region it is a
25 fellow by the name of Al Bissett and Neville Ward in a

1 fisheries sense, and one of their jobs is to work with
2 the districts and main office to perform that
3 coordinating or intermediate coordinating role. And
4 relative to the use of the guidelines, we do work with
5 and provide direction to staff to do that.

6 That's also one of the reasons at this
7 particular -- where that pre-approval review process
8 that you will hear in 15 is important in terms of
9 ensuring that regional directors also have a comfort
10 level that guidelines are being applied provincially.

11 So I would expand it to include -- that's
12 the way we deal with that specific situation in the
13 administrative context that you are referring to.

14 MR. WILLIAMS: Q. All right. Mr.
15 Straight, you would agree then that there is a problem
16 in removing the discretionary latitude in the
17 guidelines, that it becomes increasingly difficult to
18 specify standards, prescriptions that are applicable
19 province-wide given the immense variability across this
20 extensive area?

21 MR. STRAIGHT: A. I am sorry, sir, I
22 really have problems when you put a lot of those words
23 together in terms of -- one thing going through this
24 process has taught me is every time I write or I say a
25 word, my own legal staff just jump on me if I don't

1 know what people are talking about.

2 Q. Do you want me to give you the
3 question again very slowly?

4 THE CHAIRMAN: Perhaps, Mr. Williams, it
5 would be more helpful if you posed your questions in a
6 less complex way or broke them up into a series of very
7 short questions to get -- so that we did not have to
8 stop on every question to repeat the whole question.
9 It is taking, I think, unnecessary time.

10 MR. WILLIAMS: I will see what I can do
11 over the lunch hour to try and break them into
12 components, Mr. Chairman. Perhaps I will -- if you
13 will bear with me then through to the lunch hour, I
14 hope there aren't too many that have more than one
15 question in them or that have too many components to it
16 to deal with it in one response.

17 Q. The question I had put to you was:
18 First of all there is a problem, as you know, no doubt
19 realize in removing discretionary latitude from
20 guidelines; that is, it becomes increasingly difficult
21 in that situation to specify standards prescriptions
22 that are applicable province-wide given the immense
23 variability across the area. Now, would you not agree
24 with that observation?

25 THE CHAIRMAN: Yes or no.

1 MR. FREIDIN: Mr. Chairman --

2 MR. STRAIGHT: I am sorry. I really do,
3 sir, find it difficult. It just seems to me that
4 behind every one of those words there is an innuendo
5 and I am not certain that I understand the
6 ramifications of that and I am being perfectly honest.

7 THE CHAIRMAN: Well, was not your
8 question, Mr. Williams, is there not a difficulty in
9 applying province-wide standards because of the
10 variability across the province, and would he agree
11 with that?

12 MR. WILLIAMS: I think that is fair
13 capsulization, Mr. Chairman. Thank you.

14 THE CHAIRMAN: To me that could be
15 answered probably by, yes, there is a difficulty in
16 doing that; or no, there isn't a difficulty in doing
17 that.

18 MR. STRAIGHT: And I would answer to say
19 that relative to each of the guidelines there are
20 varying degrees of difficulty, yes, but there is an
21 element of difficulty and challenge associated with
22 doing it, yes.

23 THE CHAIRMAN: Thank you.

24 MR. WILLIAMS: Q. Now, as I understand
25 it, a strategy that is often used in these types of

1 circumstances is to develop, rather than a rigid set of
2 prescriptions such as, for example, shelter patches
3 shall be 3 to 5 hectares in size or spaced 300 to 400
4 metres apart; that, in fact, the prescriptions would be
5 more flexible and in generic formulations which involve
6 specifying the necessary prescriptions based on
7 important site-specific features like topography,
8 proposed shape of cut, moose density.

9 THE CHAIRMAN: Mr. Williams, you have
10 lost us completely, I don't know about the witnesses.

11 MR. STRAIGHT: I was getting close.

12 MR. WILLIAMS: I am getting too arid, I
13 guess.

14 All right. Let me see if I can simplify
15 that for you, again we will try to rework some of these
16 for you, Mr. Chairman, after...

17 THE CHAIRMAN: You have to bear in mind.
18 Mr. Williams. That this is a public hearing and the
19 public at large who are following some of this, I would
20 suspect in the media or in the transcripts have to
21 also, in our view, be able to follow along.

22 MR. WILLIAMS: I think that's helpful,
23 Mr. Chairman. All right.

24 Q. Let me just simply ask you this:
25 First of all, a strategy that is used in these type of

1 circumstances is to develop more flexible prescriptions
2 rather than rigid and I put it to you: Do you agree or
3 disagree?

4 THE CHAIRMAN: Yes, I was going to say,
5 let's see if he agrees with that part of the question
6 first.

7 MR. STRAIGHT: I think, in my own
8 interpretation, that the Fisheries Guidelines provide
9 some fairly rigid direction. That I would say -- and I
10 think I indicated in evidence-in-chief, or if not, in
11 one of the points in cross-examination, that there is a
12 variation in the flexibility that is involved in terms
13 of -- there is some flexibility in terms of the
14 application of the guidelines and you have to almost
15 look at each specific one.

16 The tourism one at the one extreme in
17 terms of being perhaps the most flexible and outlines
18 essentially a process to follow; the Fisheries
19 Guidelines on the other hand that when they are
20 incorporated with the policy regarding their
21 implementation tends to be somewhat rigid in my
22 assessment.

23 MR. WILLIAMS: Q. Okay. Let's move into
24 another area here. Mr. Straight, are you familiar with
25 the basic concept of Class Environmental Assessment?

1 A. I have an understanding of Class
2 Environmental Assessment in a general sense in that --
3 and perhaps I can try and elaborate for my own sake
4 here to see if it is correct.

5 Q. All right. To shorten it up, can I
6 put a proposal to you to see whether you agree.

7 A. Are you going to judge on what you
8 put forward as to whether I understand the Class
9 Environmental Assessment.

10 Q. Go ahead.

11 A. My understanding is, it is a
12 mechanism by which, which essentially defines a
13 planning process in many cases which will allow --
14 which with the achievement or accomplishment of that
15 particular process will ensure that the objectives --
16 that the objectives of the Environmental Assessment Act
17 are met. And I guess that is a fairly concise one.

18 Q. All right. Let's see whether you
19 would agree with this approach or understanding that I
20 have.

21 THE CHAIRMAN: Well hold on. We are
22 not -- I don't think we are interested in your
23 assessment of what the Class EA is, Mr. Williams, as
24 opposed to questions directed specifically at this
25 witness as to what his understanding is.

1 He has indicated to you what his
2 understanding is, in general. If you have a different
3 interpretation, rather than going through your
4 interpretation, why don't you ask him specifically--

5 MR. WILLIAMS: I will.

6 THE CHAIRMAN: --where his interpretation
7 might differ from yours.

8 MR. WILLIAMS: Yes, I will.

9 Q. Tell me this then, Mr. Straight: In
10 your judgment should such a planning process include
11 the following: Acceptable level of inventory or at
12 least a process for such decisions to be reached; that
13 is No. 1?

14 MR. STRAIGHT: A. For decisions on
15 inventory or decisions on actions?

16 Q. Acceptable -- all right, just let me
17 step back again. I will do them one at a time, all
18 right. Is it your judgment that the planning process
19 should include at least the following details:
20 Firstly, acceptable level of inventory?

21 A. Yes, I do believe you need an
22 acceptable level of information. If we mean
23 information and inventory to mean the same there, we're
24 okay.

25 Q. Acceptable impact prediction

1 techniques?

2 A. I would agree that you need an
3 acceptable impact prediction technique or mechanism.

4 Q. Acceptable impact evaluation
5 techniques?

6 A. What is the difference between impact
7 prediction and impact evaluation?

8 Q. I think it is considerable.

9 A. Well then...

10 Q. You are saying you don't have...

11 A. You see when I evaluate impact I do
12 one in the same thing in my mind, when I evaluate a
13 potential effect. That is the context with which I am
14 using the words.

15 Q. Don't you have to predict before you
16 can evaluate?

17 THE CHAIRMAN: Well, can't you do the
18 both simultaneously?

19 MR. STRAIGHT: Can't you do them both at
20 the same time?

21 THE CHAIRMAN: Can't you do them
22 simultaneously -- excuse me, one following the other?
23 You make a prediction of an impact, immediately during
24 the same mental process you evaluate...

25 MR. WILLIAMS: Yes, yes, all right.

1 Q. Then acceptable impact prediction and
2 evaluation techniques?

3 MR. STRAIGHT: A. In the context in
4 which we use the words, yes.

5 Q. Acceptable approaches to optimizing
6 prevention measures?

7 A. I think you need -- I think you need
8 an acceptable process to prevent and minimize or to
9 review that, yes.

10 Q. And fifthly, public consultation?

11 A. Yes.

12 Q. Now, is the purpose then of the Class
13 EA not -- is it not to standardize the planning process
14 to improve efficiency and to maintain consistency?

15 A. Consistency at the sake of
16 environmental protection?

17 Q. Consistency --

18 A. I mean, I would not want to be
19 consistent if the results of being consistent did not
20 result in good environmental protection mechanisms and
21 again we are -- you are hypothesizing and, in that
22 context, I would want to qualify that.

23 I am trying to get away from the recipe
24 book, the fact that we follow policy because it is
25 policy and be damned what the environment tells us.

1 So, in that context, I would not use consistency.

2 Q. As far as the process is concerned.

3 A. The process, as defined in the timber
4 management planning process?

5 Q. Yes.

6 A. In the context...

7 Q. The Class EA process.

8 A. The Class EA -- part of the Class EA
9 includes the timber management planning process.

10 Q. Yes.

11 A. And I would agree that that process
12 is an essential element, yes.

13 Q. Okay. All right.

14 Mr. Straight, I want to just spend a few
15 minutes with you, if I might, to assist us in further
16 understanding the Class EA process by looking at the
17 matter of acceptable level of detail.

18 I think, as we talked about earlier, we
19 would like -- the comfort we are looking for is that
20 the Class EA contain a specification of the minimum
21 data requirements to prepare a timber management plan.
22 The difficulty we are having is when the principal data
23 source appears to be based on local knowledge only of
24 MNR staff. Do you have any difficulty with that
25 problem?

1 A. Sir, a couple of things I think are
2 important. First of all, I am not an expert in the
3 Class Environmental Assessment Process. And the other
4 thing in terms of responding to your question is, I
5 believe evidence Panel 7 did demonstrate that the data
6 available was much more than simply local knowledge.

7 THE CHAIRMAN: Then surely, Mr. Williams,
8 when we get to the actual activities in 10 through 14
9 we are going to be dealing with the levels of detail
10 that are involved in connection with those specific
11 activities.

12 Is that not so, to some extent, Mr.
13 Freidin?

14 MR. FREIDIN: That's correct. And to the
15 extent that it may not be dealt with sufficiently in
16 examination-in-chief, the witnesses I think on those
17 panels will probably deal with those questions on
18 cross-examination.

19 THE CHAIRMAN: I mean, I don't know where
20 you get in a generalization of the topic, Mr. Williams,
21 when we have dealt with it partially in Panel 7 and we
22 are going to deal with it specifically related to the
23 activities in the next four panels.

24 MR. WILLIAMS: I guess it is just the
25 general process that we are trying to pin down, Mr.

1 Chairman.

2 THE CHAIRMAN: But they have given you
3 generalizations in Panel 7; they are going to give you
4 specific details in the panels dealing with harvesting,
5 roads et cetera.

6 MR. WILLIAMS: Just give us a moment, Mr.
7 Chairman. All right. Maybe we can clear it up.

8 Q. If I might ask this next question:
9 It is my understanding, Mr. Straight, that the Ministry
10 is not asking this Board to determine the minimum level
11 of information required for an EA prepared under the
12 proposed process to be acceptable, but instead are you
13 not providing evidence to this Board suggesting that
14 this issue is adequately handled by existing and future
15 Ministry policy and that it is acceptable for these
16 policies to delegate this responsibility to the
17 discretion of the district manager?

18 Let me take them one at a time.

19 MR. STRAIGHT: A. Yes, please do that.

20 Q. Again, it is my understanding that
21 the Ministry is not asking the Board to determine the
22 minimum level of information required for an EA
23 prepared under the proposed process to see if that is
24 acceptable; instead --

25 THE CHAIRMAN: Well, just hold on. Wait

1 a minute.

2 MR. FREIDIN: What is the EA in that
3 context? I don't understand the question.

4 THE CHAIRMAN: The EA is before us. If
5 it doesn't have the minimum level of detail, then we
6 may not even approve the EA. I think what you are
7 talking about is the planning process.

8 MR. FREIDIN: And if he is talking about
9 the planning process I think the evidence in terms of
10 the kind of information which is in fact available and
11 which is gathered from other sources is not
12 pre-existing within the district has already been dealt
13 with extensively. That is the matter in which the
14 Ministry deals with the question of adequacy of
15 information.

16 Now, people on Panels 10 through 14 can
17 get asked what information they might assemble or use a
18 particular situation, but if someone doesn't think it
19 is sufficient, then they can ask the witness: Well, is
20 it sufficient, shouldn't we really have information on
21 that and on that.

22 They can deal with those things with a
23 more concrete example perhaps, but I think in this
24 general context the Ministry's position is quite clear.

25 THE CHAIRMAN: Frankly, Mr. Williams, the

1 Board doesn't see the real use at this stage of
2 proceeding further on the generalized issue of adequate
3 information.

4 We have had fairly detailed evidence in a
5 general context and we are going to get more specific
6 evidence in a detailed context later.

7 MR. CAMPBELL: Mr. Chairman, I think we
8 have a concern on this line as well and it is basically
9 this:

10 This witness has stated and emphasized
11 several times that this panel is exceedingly important
12 for the translation of what has gone before into what
13 comes later. Now, it may be that that is a conceptual
14 thing; this panel was called to deal with that
15 conceptual issue.

16 It seems to me that it is terribly
17 important for each of the counsel to be able to explore
18 that issue with this panel at the same level at which
19 it has been presented, which is basically conceptual,
20 and how one goes about -- and the kind of processes and
21 judgments which one has to make in translating what has
22 gone before to what will follow.

23 This isn't a choice that the
24 cross-examiners have or are making in relation to this
25 panel, this is a choice that the proponent has made

1 with this panel and the evidence having been allowed to
2 be called in such a generalized way it necessitates
3 that.

4 It seems to me inappropriate to emphasize
5 overly that if something is going to be dealt with
6 later on in a specific way, it now can't be
7 cross-examined on in a general way.

8 THE CHAIRMAN: Well, it can be ...

9 MR. CAMPBELL: If that is the case it
10 shouldn't have gone in in such a general way.

11 THE CHAIRMAN: Mr. Campbell, it can be
12 cross-examined in a generalized way but the Board feels
13 that we have gotten some of the generalized answers
14 already.

15 MR. CAMPBELL: But to keep -- I am
16 concerned about the suggestion that simply because a
17 matter is going to be dealt with in more detail later
18 on that a cross-examiner can't continue to -- I mean,
19 testing the evidence in cross-examination to the one --
20 to the extent that one is even able to do so, at this
21 level, is not a simple thing, it is conceptual, it does
22 require some careful thought, it is not a question as
23 easy as saying: You know, how do you know there is
24 moose in this particular place, it is a level of issue
25 that is not amenable necessarily to them to simply

1 being put off until a later date.

2 It is not the cross-examiners who put the
3 issue in at this level, it is the proponent and to keep
4 putting it off simply because one is going to deal with
5 it more specifically later on, in my submission, does
6 not adequately address the problem that we all have in
7 dealing with this level of analysis and presentation
8 which the proponent has chosen to make.

9 It seems to me inappropriate that the
10 cross-examiners should pay the price for that choice.

11 THE CHAIRMAN: Mr. Freidin, do you wish
12 to comment?

13 MR. FREIDIN: Mr. Chairman, I am not
14 trying to limit the cross-examination on the subject
15 matter of this panel or on questions of a general
16 nature.

17 I mean, I agree generally with the
18 principles enunciated by Mr. Campbell, I am just making
19 the submission that I think, having regard to the facts
20 as this cross-examination developed, we have reached
21 the point where in fact we are getting into repetition
22 which is not applicable.

23 So I agree in principle with what my
24 friend is saying, I am just trying to draw the line
25 somewhere and in my professional judgment in this case

1 I have decided that it is appropriate for me to stand
2 up and say I think we have reached that point.

3 If I am wrong, I guess...

4 MR. WILLIAMS: Let me say this, Mr.
5 Chairman. I indicated to you that I felt we needed
6 more time to do our somewhat incisive intense, as we
7 see it, cross-examination because a lot of the evidence
8 that we thought might have been forthcoming in
9 evidence-in-chief was not dealt with in the depth that
10 we were anticipating and, similarly, with regard to
11 cross-examination by preceding counsel, and we felt
12 that there was a lot of information there that had to
13 be brought out and had to be explored.

14 And for us to get a full comprehension
15 and understanding of what this blending of the Ministry
16 direction and professional judgment is and the
17 balancing of it, we have got to uncover the mystery of
18 that now in this panel or we are going to be in
19 trouble.

20 THE CHAIRMAN: We agree with you, Mr.
21 Williams, we agree with you, but you must realize - and
22 I think all counsel should realize - that the Board
23 itself is analyzing this evidence as it comes in.

24 MR. WILLIAMS: Yes.

25 THE CHAIRMAN: And we are going to be

1 charged with the ultimate decision on this application
2 and we are indicating to you, in some way, areas which
3 we find helpful in terms of our deliberations and areas
4 which we don't find as helpful.

5 MR. WILLIAMS: I can appreciate that.

6 THE CHAIRMAN: And we appreciate that you
7 have to understand the case obviously to do your client
8 justice in terms of your cross-examination.

9 MR. WILLIAMS: Right.

10 THE CHAIRMAN: But we feel that having
11 heard some of the evidence in Panel 7 and earlier
12 panels on a generalized plane, on a conceptual plane
13 and knowing from our reading to this point that we are
14 going to be dealing with some of these issues in more
15 detail related to specific activities in following
16 panels, that we are not sure, from our point of view,
17 that it is as productive as perhaps it may be for some
18 of the counsel.

19 And somewhere there has to be sort of a
20 meeting of the minds as to what the Board find
21 productive and what counsel find productive. And we
22 don't always agree on that, I will admit that, but
23 nevertheless, we are trying to walk the line and allow
24 you the necessary latitude but not spend undue time on
25 areas that we feel, in one form or another, in our

1 mind, have been adequately covered.

2 MR. WILLIAMS: Again, Mr. Chairman...

3 THE CHAIRMAN: That is the only purpose
4 of our comments from time to time in terms of these
5 generalized questions.

6 MR. WILLIAMS: I appreciate the benefit
7 of the doubt, so to speak, you give us and I appreciate
8 that the Board -- where the Board is at may not be
9 where the particular party is at and you may be ten
10 steps ahead of us and...

11 THE CHAIRMAN: Or ten steps behind you.

12 MR. WILLIAMS: Or we may be coming from
13 different directions which puts a new perspective on it
14 that the Board hasn't considered at this time, of
15 course; that is, the value of the cross-examination,
16 you know.

17 But we have heard, and I guess I do
18 have -- and certainly I appreciate my learned friend's
19 comments -- but that comes back to the very point made
20 at the outset, the purpose was to try to uncover the
21 mysteries that have existed because of the limited
22 information we have had on some of these areas being
23 brought forward in the earlier panels.

24 And while they are going to be dealt with
25 in specific panels, unless we have a clear

1 understanding at this stage, we feel this is the
2 plateau in the hearings. This panel is going to be
3 moving into those specific activity areas and I think
4 we have to have a clear understanding of the process
5 from a conceptual and broader-based approach, and that
6 is clearly what Mr. Straight said was the fundamental
7 importance of this panel and purpose, and we are simply
8 trying to take advantage of it because we don't see
9 that advantage occurring later in the hearing.

10 And so, you know, I indicated because of
11 that, we felt that the evidence given to date was not
12 of a depth that we were anticipating and that,
13 therefore, we have worked long and diligently in having
14 to expand our cross, not for the purpose of wanting a
15 lot of verbiage, but to us this is a turning point as
16 to how we handle our approach to it in further panels
17 that come forward.

18 THE CHAIRMAN: Okay.

19 MR. WILLIAMS: So I hope you will be
20 receptive to that understanding and be accommodating.

21 THE CHAIRMAN: Okay. Why don't we
22 accommodate everybody at this point by declaring the
23 lunch adjournment.

24 MR. WILLIAMS: Thank you, Mr. Chairman.

25 THE CHAIRMAN: Return at 12:30 -- sorry,

1 1:30. That is rather short.

2 MR. WILLIAMS: That is really short.

3 THE CHAIRMAN: And start at that point
4 and proceed this afternoon expeditiously.

5 MR. WILLIAMS: Thank you.

6 ---Luncheon recess taken at 12:30 p.m.

7 ---Upon resuming at 1:40 p.m.

8 THE CHAIRMAN: Thank you, ladies and
9 gentlemen. Please be seated.

10 Very well, Mr. Williams.

11 MR. WILLIAMS: Mr. Chairman, very
12 briefly, if I might. Apropos of our discussions just
13 before we adjourned for lunch, I would just like to
14 make a few brief comments to the Board that I hope will
15 be helpful.

16 THE CHAIRMAN: Okay.

17 MR. WILLIAMS: I feel it is important,
18 Mr. Chairman, that we all understand the context of the
19 questions that I have asked Mr. Straight this morning
20 and I hope to be asking him here as we continue.

21 I must make it clear to you that we are
22 in concurrence with your views that Panel 6 and 7
23 provided information on available data and that
24 subsequent panels, in particular Panels 10 through 14,
25 will provide greater detail.

1 However, my questions, Mr. Chairman, are
2 not intended to address the adequacy of the data
3 itself, instead what I am endeavouring to accomplish is
4 trying to put into perspective the relationship between
5 the evidence adduced in previous panels and this panel
6 to the issue before this Board which is a Class EA.

7 As you know, this is the first Class EA
8 to come before this Board, and I think as a result we
9 are all learning as we go.

10 Mr. Straight is one of the authors of the
11 Class EA. He is one of the authors of this witness
12 Panel 8 and, as we have said on numerous previous
13 occasions, it is this panel that describes the overall
14 decision-making process on which the proposed planning
15 process in the Class EA is based.

16 So, Mr. Chairman, what I am attempting to
17 determine through my line of questioning is the
18 relationship of the various provincial directives and
19 professional judgment on which MNR is heavily relying
20 in the proposed Class EA. But, more importantly, I am
21 trying to learn how this proposal can be implemented
22 within the powers of this Board.

23 You can be assured that I will be
24 asking --

25 THE CHAIRMAN: Just a moment, just go

1 back one second. What do you mean by that last
2 statement, you are seeking to learn how --

3 MR. WILLIAMS: What we can expect in the
4 way of the Board being able to deal with all of the
5 evidence before us as to -- within the powers that you
6 have, as to accepting the Class EA, accepting it with
7 amendments, rejecting it.

8 THE CHAIRMAN: Well, That is a statutory
9 power that the Board has.

10 MR. WILLIAMS: Of course it is, that's
11 right.

12 THE CHAIRMAN: We can do all of that.

13 MR. WILLIAMS: I understand that. I am
14 saying that what we are trying to learn is how the
15 proposal can be -- how we think the proposal can best
16 be implemented by the Board so we have an understanding
17 of where we move forward from here.

18 THE CHAIRMAN: But isn't that, Mr.
19 Williams, the Board's mandate in this whole hearing, to
20 do just that?

21 MR. WILLIAMS: Well, not to have our
22 understanding of how you think you are going to tackle
23 it, that's our responsibility to figure out and
24 understand, how we think the Board is going to approach
25 that. And certainly it is your responsibility --

1 THE CHAIRMAN: Well, you are going to
2 make suggestions to us at the end by way of draft
3 conditions or argument or submissions at the end of the
4 case that may or may not be helpful to our
5 deliberations and ultimate decision.

6 MR. WILLIAMS: Maybe even before the end.

7 THE CHAIRMAN: Or before the end of the
8 case.

9 MR. WILLIAMS: That's right. That's
10 right. And all I am saying, Mr. Chairman, is that
11 again, so we have a better understanding of the
12 proposal, in that way we can best perhaps anticipate or
13 know how to approach and assist the Board, if at all
14 within our abilities, to arrive at the appropriate
15 decisions.

16 You can be assured that, Mr. Chairman,
17 while that being our basic form of constructive input,
18 that we will be, in pursuing that, asking questions of
19 Panel 10 to 14 on the specifics regarding such issues
20 as minimum levels of information and acceptable impact
21 predictions and so on.

22 But what we were concerned about at this
23 stage is losing sight, if you will pardon the pun, the
24 forest for the trees. There is no point, in our
25 judgment, in talking about the details until one has a

1 clear conception - and I am speaking about ourselves
2 here, and it may assist others as well - until one has
3 a clear conception of the overall process in which the
4 details fit.

5 It is accordingly that we are pleased in
6 fact that Mr. Freidin has seen fit to bring this panel
7 before us at this time because we think it is the
8 appropriate point to do so. We feel it is totally
9 appropriate, and we are doing our best to ensure
10 that -- by having this opportunity to understand the
11 process in its broadest context, that it will in the
12 long run help to, through this exploration and
13 understanding, help us to expedite the process in
14 future panels as far as evidence from ourselves.

15 So that, Mr. Chairman, I think is
16 essentially what we are trying to accomplish with our
17 line of questions. And so that we are not directing
18 our questions at the details and specifics, we are
19 addressing them at the process and I am attempting to
20 understand how this process will operate, to the extent
21 it is necessary, for us to move forward from here.

22 And so I thought that it might be helpful
23 to bring that to the Board's attention. I hope that's
24 of assistance.

25 THE CHAIRMAN: Okay. Please proceed.

1 MR. WILLIAMS: Thank you, Mr. Chairman.

2 MR. STRAIGHT: Mr. Chairman, could I just
3 make one important qualification in what Mr. Williams
4 has said.

5 He very clearly - and I wrote the words
6 down - said that this panel describes the overall
7 decision-making process, and I think one thing I tried
8 very clearly to point out as you can tell by the title
9 of the panel: Resource - and maybe I better refer to
10 it by myself - but Resource Management
11 Decision-making -- I'm sorry.

12 The particular title of the document that
13 myself and Mr. Scott put in was Resource Management
14 Decision-Making, Blending Professional Judgment in
15 Ministry Direction.

16 I also -- and perhaps I can quickly just
17 put this overhead up again for just a brief minute. I
18 tried very clearly to indicate that it was, in a sense,
19 an organizational or a conceptual sense, an integrated
20 process, but those areas in yellow basically have been
21 dealt with by Panel 1; that the areas in blue were
22 those specific decision-making tools which we have been
23 talking about; that the area in orange in the middle,
24 which is the area of concern planning process that I
25 referred to in Part II of the Class Environmental

1 Assessment in Appendix 1 and Appendix 2 of the Class
2 Environmental Assessment will be discussed in Panel 15.

3 The overall decision-making process, if
4 you will, really centers around that whole diagram and
5 very clearly the area of concern planning process is
6 specifically an item in Panel 15.

7 Now, having said that, I have -- you
8 know, again, if there are questions, to the best of my
9 ability I will answer them, but I do not profess to be
10 the Ministry's expert in that particular process, the
11 area of concern planning process.

12 MR. WILLIAMS: Q. All right. Mr.
13 Straight, just so we can bring this all back together
14 and pick up where we left off. Perhaps if I could just
15 summarize where we left off before lunch.

16 I asked about your concept of a Class EA
17 and you replied it consists basically of a planning
18 process; is that not right?

19 MR. STRAIGHT: A. I believe I said more
20 than that.

21 Q. All right. Well, but you acknowledge
22 that it was a planning process?

23 MR. FREIDIN: His evidence was that it
24 was part of the Environmental Assessment, I think those
25 were his exact words which I made a special note of.

1 MR. WILLIAMS: Q. All right. Do you
2 want to confirm that then just for your satisfaction.

3 MR. STRAIGHT: A. I believe it should be
4 a matter of record.

5 Q. All right. We then went through the
6 required components of an acceptable planning process
7 and I believe - and correct me if I am wrong - I
8 believe you agreed that it should contain specific
9 guidelines on five components. Let me list them for
10 you one at a time.

11 A. It should include specific
12 components, I believe that's what we dealt with, not
13 necessarily guidelines on specific components. The use
14 of the word guidelines in the Ministry's case is a very
15 specific--

16 Q. Did I say guidelines?

17 A. --word. Yes.

18 Q. I am sorry if I said guidelines.
19 Specific guidance, I was talking about, should contain
20 specific guidance utilizing five components?

21 A. In the planning process?

22 Q. Yes.

23 A. Okay.

24 Q. Minimum acceptable level of
25 inventory.

1 MR. FREIDIN: He said acceptable level of
2 information. He made a distinction between information
3 and inventory.

4 MR. WILLIAMS: Acceptable level of
5 information. Thank you. I am glad we are doing this
6 just so we are all on the right...

7 Q. Secondly, acceptable impact
8 prediction techniques?

9 MR. FREIDIN: He indicated that you could
10 separate that from evaluation --

11 MR. WILLIAMS: All right. Combine the
12 two. Acceptable impact prediction and evaluation
13 techniques, all right.

14 Q. Acceptable approaches to determining
15 required level of mitigation?

16 THE CHAIRMAN: Optimizing and minimizing
17 impacts.

18 MR. FREIDIN: He indicated that there was
19 a need to have an acceptable process to prevent or
20 minimize environmental effects.

21 I would ask that if we are going to go
22 over these areas and the witness' evidence is going to
23 put to him, that it be put to him accurately,
24 especially when we have gone over it so many times.

25 THE CHAIRMAN: Well, let Mr. Williams ask

1 the questions, Mr. Freidin.

2 MR. WILLIAMS: Q. And then lastly, an
3 acceptable public consultation process?

4 MR. STRAIGHT: A. Yes.

5 Q. Okay.

6 A. Yes I agree, with the qualifications
7 that Mr. Freidin had entered.

8 Q. Mr. Straight, I think we then ran
9 into some difficulty when I tried to determine for the
10 first component, minimum information requirements, and
11 how the evidence presented so far related to the
12 decision this Board has been asked to make and, more
13 specifically, the relationship with the decision
14 process that this panel is presenting evidence on.

15 A. Again, and I stress, we are not
16 giving evidence specifically on the entire
17 decision-making process. We gave evidence on the ways,
18 the tools by which the Ministry provided assistance to
19 staff to make decisions.

20 Q. Thank you. Let us pick up from
21 there. We have discussed the significance of MNR
22 having highly qualified and experienced staff to the
23 proposed EA planning process.

24 I am having some difficulty reconciling
25 what is proposed -- my understanding of the process,

1 and by that let me look first at the matter of
2 acceptable level of detail.

3 Ideally one would like the Class EA to
4 contain a specification of the minimum data
5 requirements to prepare a timber management plan.
6 Would you agree with that or not?

7 A. That the Class EA should contain
8 that?

9 Q. Yes.

10 A. I don't believe it is necessary.

11 Q. You don't think that ideally it
12 should contain a specification of the minimum data
13 requirements--

14 A. I believe the way in which --

15 Q. --for timber management plans?

16 A. I believe the way in which the
17 Ministry has presented that information - and I think I
18 commented on that earlier - was in my experience and in
19 my opinion satisfactory, reasonable and an acceptable
20 way of doing it. And I do believe that I did comment
21 on that specific question previously. I may be wrong,
22 but I think I did.

23 MR. MARTEL: Can I ask Mr. Williams how
24 he would define the specific basic amount of
25 information required in the EA? And what would be

1 paramaters that you would put around that?

2 MR. WILLIAMS: Mr. Martel, I think your
3 question is extremely valid but I think, with the
4 greatest of respect, that is the challenge that is
5 before this Board and we are trying, in our own small
6 way, to assist the Board in facing that challenge.

7 I can't -- I wish I knew the answer to it
8 that I could give it to you, but I can't, and obviously
9 that's something that you and your colleagues are
10 wrestling with at this time. And hopefully through
11 this process, we will assist you in arriving at that
12 interpretation.

13 I am sorry I can't be of further
14 assistance at this time.

15 THE CHAIRMAN: I don't think it is
16 helpful, Mr. Freidin. Let's put the question to the
17 witness as you did, and if the witness feels that the
18 Class EA ideally should contain a minimum requirement
19 for the basic level of information, state yes or no or
20 whatever your answer is.

21 MR. FREIDIN: Can I just have one moment,
22 Mr. Chairman.

23 THE CHAIRMAN: We understand that you
24 have already answered and indicated that you are happy
25 with the way the EA is presently set out. Do you have

1 anything to add to that question?

2 MR. STRAIGHT: Not in the context if what
3 is --

4 MR. FREIDIN: I am sorry, Mr. Chairman, I
5 would ask that the witness not be asked to answer the
6 question until I have a chance to speak to Ms.
7 Blastorah.

8 THE CHAIRMAN: Very well.

9 MR. FREIDIN: Mr. Chairman, the reason I
10 asked for a moment is that notwithstanding perhaps
11 people are learning as they go along because this is
12 the first Class Environmental Assessment to come before
13 the Board, I have some concern that the question which
14 is being asked of this witness is really a question of
15 law.

16 He is really being asked: What are the
17 requirements that a proponent must satisfy in order to
18 comply with the Environmental Assessment Act and, in
19 fact, deal with certain matters.

20 THE CHAIRMAN: No, I did not understand
21 the question to be on that plane. I did not understand
22 the question to be whether or not the EA was acceptable
23 to this Board as a matter of law in terms of one of the
24 components of our decision, but rather whether an EA
25 describing a timber management planning process should

1 contain a basic level of information--

2 MR. WILLIAMS: Exactly.

3 THE CHAIRMAN: --specifically and that is
4 a different question. That has got nothing to do, at
5 least as I understand, you put the question, Mr.
6 Williams, with whether or not it is acceptable in terms
7 of the decision under the Environmental Assessment Act.

8 MR. WILLIAMS: Yes.

9 MR. FREIDIN: I think maybe one of the
10 problems that I am having is that Mr. Williams will
11 speak about that this is or should be a necessary
12 requirement in relation to a Class Environmental
13 Assessment or in relation to an Environmental
14 Assessment.

15 When he refers to an Environmental
16 Assessment, I guess I would like to know what he means.
17 When he uses that word in this line of questioning, is
18 he referring to the planning process which is part of
19 this Environmental Assessment; is he talking about
20 something more than that; and if he is talking about
21 something more than that, what it is, because I am
22 having some difficulty.

23 THE CHAIRMAN: Mr. Williams, were you
24 referring to the legislation, compliance with the
25 legislation or were you referring to an Environmental

1 Assessment in relation to the planning process that we
2 are discussing?

3 MR. WILLIAMS: In relation to the
4 planning process, Mr. Chairman.

5 MR. FREIDIN: I am sorry?

6 MR. WILLIAMS: In relation to the
7 planning process.

8 MR. FREIDIN: Okay.

9 MR. STRAIGHT: Which planning process,
10 sir, the timber management or the Class EA generally?

11 MR. WILLIAMS: The Class EA.

12 MR. STRAIGHT: The Class EA. The matter
13 before the Board though, my understanding is this
14 particular application?

15 MR. WILLIAMS: Yes.

16 MR. FREIDIN: What is the Class EA
17 planning process? I hate to be so -- it is perhaps a
18 simple question, but what is being referred to as the
19 Class EA planning process?

20 THE CHAIRMAN: Can you be more specific
21 on what you mean there, Mr. Williams, please.

22 MR. WILLIAMS: Let's see if I can find a
23 reference here.

24 MR. FREIDIN: If it is not the timber
25 management planning process, then maybe we are getting

1 into a question of law.

2 THE CHAIRMAN: It was the Board's
3 understanding, I believe, that we are talking about the
4 timber management planning process and the last
5 question went to that process not the requirements of
6 the Act itself.

7 MR. WILLIAMS: Yes. I'm sorry, yes. You
8 are right, Mr. Chairman.

9 THE CHAIRMAN: Okay. So why don't you
10 just refer to it as the timber management planning
11 process without the prefix Class EA in front of it
12 which confuses some of us because of the legislation we
13 are dealing with.

14 MR. WILLIAMS: Good point.

15 Q. All right. Mr. Straight, does that
16 clarify it for you, or does that cloud the issue?

17 MR. STRAIGHT: A. My understanding was
18 exactly as had been resolved that when you asked me the
19 question originally it was with regard to minimum
20 information within class environmental assessments.

21 What specifically would you like me to
22 address relative to this particular application?

23 Q. Okay, thank you. All right. Now,
24 just before lunch, Mr. Straight, I was asking you this
25 one question, I am going to break it down into

1 components here so it will be more helpful, I hope, for
2 all of us to understand.

3 It is my understanding that your Ministry
4 is not asking this Board to specifically determine the
5 minimum level of information required for an
6 environmental assessment prepared under the proposed
7 process to be acceptable?

8 A. My understanding is that the
9 application before the Board is what we are asking
10 approval for.

11 THE CHAIRMAN: Neat way of avoiding the
12 question.

13 MR. WILLIAMS: That's right.

14 MR. STRAIGHT: I have real difficulty
15 trying to interpret what a response would adequately be
16 to that that would also provide a clear understanding.

17 THE CHAIRMAN: Perhaps it would be easier
18 to ask counsel that question, as to whether or not the
19 Ministry is asking in this application for approval
20 along with any decision that might emanate from the
21 Board as to whether or not a minimum level of
22 information is required.

23 MR. WILLIAMS: I will redirect that, Mr.
24 Chairman.

25 MR. FREIDIN: I am not -- I don't think

1 the proponent is trying to specify a minimum level of
2 information which is required and, therefore, we are
3 saying here it is.

4 What the Ministry is doing is, they are
5 putting a forward a Class Environmental Assessment,
6 part of which is the planning process. The level and
7 amount of information which is available or which is
8 collected to make those decisions is just telling the
9 Board how the Ministry goes about making decisions, and
10 the Board are going to have to assess that evidence in
11 light of the Ministry's total evidence and any
12 submissions that other people may make about whether
13 the approach or whether the amount of information
14 provided to the Board by the proponent is adequate or
15 not.

16 THE CHAIRMAN: And I take it that the
17 Board, in its deliberations, if it came to the
18 conclusion that that level was inadequate, it could, in
19 terms of its approval, in a condition of approval,
20 specify something more other than what the Ministry
21 proposed in terms of leveling.

22 MR. FREIDIN: I am just -- again, we are
23 talking in hypotheticals and what is on the tip of my
24 tongue is saying, subject to the discussion we had
25 yesterday about not--

1 THE CHAIRMAN: The guidelines.

2 MR. FREIDIN: --the approval for
3 guidelines and the manual.

4 THE CHAIRMAN: That's right.

5 MR. FREIDIN: Subject to that, I guess I
6 would say yes.

7 THE CHAIRMAN: Okay.

8 MR. CAMPBELL: If it is of any interest
9 to the Board, we do try to sort of keep track of this
10 kind of question and our submission would be that the
11 answer to that question is clearly yes.

12 THE CHAIRMAN: That it is within the
13 power of the Board.

14 MR. CAMPBELL: Absolutely.

15 THE CHAIRMAN: That certainly is the
16 Board's view, but without arguing it out we wanted to
17 hear what Mr. Williams felt in terms of the impact of
18 that question.

19 Does that help you, Mr. Williams?

20 MR. WILLIAMS: Yes, it does, Mr.
21 Chairman.

22 Q. If I can just take that a step
23 further. Are you not then, Mr. Straight -- or is it
24 your understanding that in effect what you are doing is
25 providing evidence to this Board suggesting that this

1 issue is adequately handled by existing and future MNR
2 policy?

3 MR. STRAIGHT: A. Which matter are you
4 referring to when you say this matter?

5 THE CHAIRMAN: Level of minimum
6 information, is that the issue?

7 MR. WILLIAMS: That's right, yes. That
8 preceding question, that feeds in from that previous
9 question.

10 MR. STRAIGHT: Okay. Would you rephrase
11 it so that I can understand it in its entirety then?

12 MR. WILLIAMS: Q. Are you not providing
13 evidence to this Board suggesting that the minimum
14 level of information required for an EA is adequately
15 handled by existing and future MNR policy?

16 MR. FREIDIN: The question assumes that
17 there is a requirement for a minimum level of
18 information. He says, a minimum level of information
19 requirement and unless that's defined...

20 THE CHAIRMAN: Well, Mr. Freidin, could
21 the question not be answered on the basis that, in
22 terms of the process put forward by the Ministry in its
23 documentation and its oral presentations, does this
24 witness feel that the issue concerning minimum levels
25 of information is adequately dealt with?

1 MR. STRAIGHT: I believe that the issue
2 of adequate levels of information is adequately dealt
3 with and I think -- and as part of the concerns which
4 Mr. Williams has raised, from my own experience of
5 going through and reading all the evidence, is that
6 will really only become clear when you see the
7 description of effects that you are going to see in
8 panels ---in the nature of potential effects that you
9 will see in 10 to 14, because it is very difficult to
10 even discuss a concept such as minimum levels of
11 information until you have a clear understanding of the
12 nature of those particular effects that we are dealing
13 with.

14 And I think that is one of the real
15 problems that I am having in trying to make -- to give
16 you a meaningful and clear answer to that.

17 THE CHAIRMAN: Well, we have pieces of
18 that at this point.

19 MR. STRAIGHT: We have pieces, yes.

20 THE CHAIRMAN: Mr. Straight, for
21 instance, the FRI information that you gave early on,
22 that would be a level of information upon which is
23 based part of the decision-making process; would it
24 not?

25 MR. STRAIGHT: That's correct, that's

1 correct.

2 MR. WILLIAMS: Q. And I suppose by
3 further example, Mr. Chairman and Mr. Straight, your
4 comments -- has this Board not heard evidence
5 concerning a minimum wildlife information policy?

6 MR. STRAIGHT: A. I believe it has a
7 very specific title and I would refer to that, I guess,
8 before I commented. I believe it is what, in panel...?

9 MR. FREIDIN: I can give you the name if
10 you want it.

11 MR. STRAIGHT: Please.

12 MR. FREIDIN: Called the Wildlife
13 Information for Use in Timber Management Planning.

14 MR. STRAIGHT: And the title of that
15 document does not imply minimum, what it does do is it
16 provides basic directions to district managers to
17 collect and seek information.

18 And we discussed at some -- briefly I
19 think -- I believe on Monday, the whole concept of the
20 kind of confusion that was resulting from calling
21 things minimum as opposed to basic and that was to
22 avoid getting into the standard kind of evaluation.

23 The only place I can see where the
24 Ministry makes a reference to standard qualities of
25 information and types of information and how one reacts

1 to that information, is the specific policy dealing
2 with the implementation of the Fisheries Guidelines.

3 MR. WILLIAMS: Q. You said there is no
4 reference to minimum, what about adequate information?

5 MR. STRAIGHT: A. Is there a reference
6 to adequate?

7 Q. I am asking -- you had some
8 difficulty with the term minimum information. What
9 about adequate.

10 A. And I said -- the only point I tried
11 to make was that that was not referred to in that
12 particular policy and that what it did was, the words
13 within it do provide the direction to staff to seek
14 information.

15 Q. Well, all right. Mr. Straight, have
16 we not heard evidence as to the role of the district
17 manager in deciding the acceptable level of detail for
18 a timber management plan in a featured species?

19 A. I believe you have heard evidence to
20 that effect.

21 Q. And I have to say that I conclude
22 from that evidence that has been introduced that this
23 Board is being asked to accept that specific minimum
24 information requirements will be decided on a
25 case-by-case basis and that this Board need not address

1 this specifically in their decision.

2 Isn't that the essence of it?

3 A. Those are your words.

4 Q. All right. Do you agree or disagree
5 with that?

6 A. There are a number of questions. One
7 thing you asked me to agree whether the Board was being
8 asked to rule on those things and, as I understand it,
9 there is some confusion amongst the parties to the
10 undertaking here as to whether or not -- well, although
11 had Board did express very clearly in their opinion
12 that they would be dealing with that.

13 Q. It is my understanding that the
14 specific information requirements, from your
15 perspective, would be decided on a case-by-case basis.

16 A. You referred to -- I am sorry.

17 Q. And that the Board need not address
18 these specifically in its decision because they were
19 being dealt with on a case-by-case basis.

20 A. Sir, that is not my decision as to
21 whether or not the Board addresses that or not, as I
22 see it.

23 Q. What is the relevance of that policy
24 if the Board isn't being asked to deal with it?

25 A. I don't feel that I have the

1 expertise to -- I feel that is more an issue of the
2 jurisdictional dealings of the Board. If I am
3 incorrect, I will try and register an answer, but...

4 THE CHAIRMAN: Well, without getting into
5 a long dissertation, it seems to the Board, I think, we
6 are looking at a decision-making process where certain
7 discretion is allowed to get certain people involved in
8 the process, certainly district managers and ones who
9 have to make some of the decisions in the field.

10 They base those decisions in accordance
11 with the process on a variety of information; some
12 local knowledge, some specific data, experts, employees
13 throughout the Ministry, et cetera.

14 Obviously we have heard that some of
15 these decisions are based on a specific activity or a
16 site-specific consideration and I don't think that the
17 Board is being asked to rule necessarily on each
18 site-specific activity, per se, we are looking more at
19 a process and may decide in the course of rendering an
20 approval as to what levels of information should be put
21 into that decision-making process, but as I understand
22 it - and counsel can correct the Board if they so wish
23 at this time or in argument - that the Board is not
24 looking to render a specific approval on a particular
25 guideline that is mentioned or brought before the Board

1 upon which are relied in terms of the decision-making
2 process made by the Ministry.

3 We are looking at the overall decision
4 making process and deciding, probably through terms of
5 conditions, as to what elements of that process in the
6 Board's view are necessary to afford, in our view,
7 appropriate environmental protection in terms of the
8 activities being carried out and in terms of the
9 decisions being made by the Ministry.

10 MR. STRAIGHT: Mr. Chairman, the
11 particular wildlife information policy, I took an
12 opportunity some time ago to try and synthesize it in
13 my own mind in terms of what kind of direction that
14 provided. I could go through that, if that would be a
15 useful example but, at the same time, I recognize this
16 will probably come up in some detail in Panel 10.

17 But if it would provide some
18 clarification, I can give an indication of the kind of
19 direction that is there.

20 THE CHAIRMAN: Well, we don't have any
21 objection. Do you have any objection?

22 MR. FREIDIN: That document...

23 THE CHAIRMAN: Mr. Williams, this is your
24 cross-examination, do you want to hear this?

25 MR. WILLIAMS: I think we should, Mr.

1 Chairman, yes.

2 MR. FREIDIN: That document is found at
3 page 308 of the Panel 7 witness statement.

4 THE CHAIRMAN: But it wasn't dealt with
5 in the context that you are going to deal with it; is
6 that correct, Mr. Straight?

7 MR. STRAIGHT: I was basically just
8 trying to -- if I was dealing with my own staff on
9 that, I would be telling them that this is my
10 interpretation of what that document means to me.

11 MR. FREIDIN: I will just give you the
12 reference in case you wanted to have it before you when
13 Mr. Straight was speaking to it that is all.

14 I am not trying to limit in any way
15 the...

16 THE CHAIRMAN: Well, we don't have Panel
17 7 in front of us to start with.

18 MR. FREIDIN: Well, perhaps Mr. Straight
19 then he could...

20 MR. STRAIGHT: You may not need it,
21 specifically if people are prepared to accept what I
22 say here. It really will be just probably about a two
23 minute synthesis.

24 THE CHAIRMAN: Mr. Williams, do you have
25 any objections to this? We don't have to hear this at

1 this time, it is going to be dealt with evidently in
2 some detail later on as well?

3 MR. WILLIAMS: Well, Mr. Chairman, I am
4 wondering if -- maybe if the document could be procured
5 during the coffee break and brought back and, with the
6 aid of that document, give us his two-minute synthesis
7 of the process.

8 THE CHAIRMAN: All right. Could you hold
9 off until after the coffee break and we will ask that
10 the parties obtain Panel 7's evidence to have it in
11 front of them.

12 Do you want to continue on with your
13 questioning?

14 MR. WILLIAMS: Yes, I will continue on,
15 if I might. Yes.

16 Q. Mr. Straight, as far as the minimum
17 required local experience of MNR staff, how might, in
18 your judgment, this Board specify a minimum acceptable
19 level of local knowledge?

20 MR. STRAIGHT: A. Of district staff?

21 Q. Yes.

22 A. District staff are not -- well, I
23 guess to answer it very quickly I think it would be
24 very difficult for the Board to establish what minimum
25 standard levels of information amongst district staff

1 would be.

2 Q. Well, let me perhaps -- all right.
3 Let me -- all right. Mr. Straight, you say it would be
4 difficult to accomplish that.

5 Can you suggest how this could be
6 specified or do you feel that it is adequate to leave
7 this to the discretion of MNR management to ensure
8 adequate local experience in their staff?

9 A. If you ask -- I think, in my opinion,
10 it would be adequate to leave it to Ministry managers
11 to deal with that issue.

12 Q. A similar difficulty exists with
13 respect to specifying acceptable impact techniques,
14 evaluation methodologies and mitigation.

15 Now, because these are all intertwined in
16 the application of the guidelines, and how they are
17 applied is highly discretionary, is it difficult to
18 visualize how this Board might standardize the process
19 through its approval?

20 A. Standardize which process? Within
21 the Class EA there is definition of some very specific
22 processes; the AOC planning process, the timber
23 management planning process, there are directions in
24 terms of applying guidelines. I am not sure which
25 specific process you are referring to.

1 Q. The ones I just referred to in the
2 question, Mr. Straight. I said...

3 A. And that was the result of my
4 confusion.

5 Q. I said difficulties exist with
6 respect to specifying acceptable impact techniques,
7 evaluation methodologies and mitigation.

8 A. That is your understanding that there
9 are difficulties in doing that?

10 Q. Yes.

11 A. We feel, as a Ministry, that the
12 direction we have provided does provide reasonable and
13 a practical method of being to deal with environmental
14 issues and to prevent, minimize, mitigate if required,
15 and enhance effects.

16 THE CHAIRMAN: Mr. Williams, isn't the
17 thrust of that type of question that the Ministry puts
18 forward their views on that particular methodology, you
19 may question those views and decide that those views,
20 in your client's opinion, are inadequate or that there
21 are some aspects of it that are inappropriate or should
22 be changed, you would then call witnesses of your own
23 to propose some alternative methodology - as would any
24 of the other parties in either cross-examination or
25 their own case - and then at the end of the day, the

1 Board would look at the evidence presented and decide
2 whether, in its view, the Ministry met the test in its
3 own application or whether the Ministry's proposed
4 methodology should be amended in some way or completely
5 thrown out and replaced with something else.

6 MR. WILLIAMS: Well, I guess again, Mr.
7 Chairman, I just refer back to what I said after lunch,
8 that we are not dealing with the details, we are
9 dealing with the process and that is what we are trying
10 to get to the root of.

11 THE CHAIRMAN: Well, I guess what I am
12 having trouble with, Mr. Williams, is: The witnesses
13 have indicated that what is put forward in the
14 proponent's application -- in its EA is its process and
15 what it is proposing to this Board and what the Board
16 will have to look at to approve of or disapprove of.

17 I take it that that is its position, and
18 it will be up to this Board to decide whether the
19 Ministry's position is in fact sustainable, as far as
20 the Board is concerned, in protecting the environment,
21 that is its mandate.

22 If you feel that its position is not
23 appropriate, then I suppose you can ask the witness
24 whether or not he feels the Ministry's position is
25 appropriate. I suspect you will probably get the

1 answer that he probably feels that it is appropriate,
2 but if, in some way, he feels that it isn't or wishes
3 to elaborate on it, that is certainly within the
4 pervuew of the question.

5 But to propose something different, I
6 think is going to have to come from your side of the
7 case.

8 MR. WILLIAMS: Yes, Mr. Chairman. All
9 right. I have two or three questions left for Mr.
10 Straight to finish off this theme and then I will be
11 going to Mr. Scott.

12 So perhaps I could just...

13 THE CHAIRMAN: Okay.

14 MR. WILLIAMS: Q. Mr. Straight, given
15 that the way the Class EA is structured, certainly from
16 our perspective it is clear why such emphasis has been
17 placed on the qualifications of MNR staff.

18 However again, and just taking this to
19 the last logical step, it escapes me how this Board
20 should deal with this in their decision and it seems to
21 me that the Board might have before it the following
22 options, and I am going to read them to you one at a
23 time and ask your comment thereafter.

24 Firstly - you may want to write these
25 down. I see you are starting to write.

1 MR. STRAIGHT: A. I am already
2 scribbling, sir.

3 Q. Okay. The Board can attempt to
4 specify the minimum professional qualifications,
5 training and local experience of various MNR staff
6 proposed to be involved in the preparation of timber
7 management plans. That seems to be one clear option
8 that the Board could have.

9 No. 2: It seems to us that the Board
10 could attempt to relate the minimum data collection
11 requirements to the local experience of relevant MNR
12 staff.

13 MR. FREIDIN: Would you state that one
14 again?

15 MR. WILLIAMS: The Board could attempt to
16 relate the minimum data collection requirements -- or
17 information requirements, sorry.

18 THE CHAIRMAN: By that, do you mean that
19 if the training wasn't adequate, that in lieu of
20 specific expertise, there would have to be certain
21 minimum data collection; is that what you are...

22 MR. WILLIAMS: I think think that that is
23 a fair conclusion to draw, Mr. Chairman.

24 Q. And can attempt to relate the minimum
25 data information requirements to the local experience

1 of relevant MNR staff.

2 No. 3: That it can basically decide to
3 "trust" the MNR that it will ensure appropriately
4 trained and experienced staff are involved in timber
5 management plan preparation and, in this way, be
6 assured that adequate data and analytical techniques
7 will be used.

8 Do you want me to read that one again?

9 MR. STRAIGHT: A. I think I got the
10 general thrust of that last one. It was fairly clear.

11 Q. And then, fourthly: The Board could
12 possibly explicitly define minima data requirements,
13 acceptable impact prediction techniques, evaluation
14 methodologies and mitigation optimization approaches.

15 A. That last one was what, sorry?

16 Q. And mitigation optimization
17 approaches. Have you had a chance to reflect on those
18 so I can then ask my question?

19 A. I wrote them down.

20 Q. All right. Would you or would you
21 not agree that option 3 is essentially what is being
22 proposed, based on the evidence provided to date, by
23 MNR expert witnesses and what is contained in the
24 proposed Class EA?

25 A. I believe that there are some

1 elements of how you've described that option involved.
2 I also believe that the Ministry has attempted to
3 relate, in some depth in Panel 7, the nature of the
4 types of information that are utilized to give the
5 Board an appreciation for the kinds of situations with
6 which we deal.

7 Also I think very explicitly people like
8 Mr. Clark brought out the issue that - and I believe it
9 was Mr. Clark or it may have been Mr. Pyzer, but
10 certainly one of them - that the amount of information
11 that is required to resolve specific situations or
12 issues generally relates to the complexity of the
13 situation and the need for those kinds of data.

14 I believe that we have provided a
15 planning process which allows the public and allows any
16 particular agency to be able to review the way in which
17 MNR has used data, the way in which we have reviewed
18 the potential implications on the environment amongst
19 alternatives and chosen a specific course of action and
20 the way in which we have documented which becomes part
21 of the public record and part of the record for
22 Ministry of the Environment and any other groups or
23 Ministry interests or stakeholders who may be involved.

24 Now, I believe that we -- I believe
25 personally - and I really do believe this on the basis

1 of my professional experience and on the basis of my
2 experience as a natural resource administor - that we
3 have come up with a very deliverable, practical
4 mechanism process, if you will, that will serve the
5 needs of timber management in terms of the objectives
6 of the undertaking and, at the same time, protecting
7 the environment.

8 THE CHAIRMAN: Mr. Straight, with great
9 respect, that doesn't answer the question.

10 MR. STRAIGHT: I know I am going on.

11 THE CHAIRMAN: The question I think that
12 Mr. Williams....

13 MR. STRAIGHT: I agree with 3, with those
14 qualifications, that the process is more than simply
15 trust, sir. I believe that we are providing a lot of
16 evidence throughout the hearings that there is
17 certainly more than just trust MNR.

18 THE CHAIRMAN: I don't think that is the
19 question as to whether or not there is more than just
20 trust; the question was whether or not the Board should
21 adopt, in your view, the idea of specifying in its
22 decision these minimum -- or requirements in terms of
23 staff.

24 MR. STRAIGHT: No, no, I don't believe
25 that was the question.

1 THE CHAIRMAN: All right.

2 MR. STRAIGHT: He asked me specifically,
3 I thought on his option 3, which was: Should the Board
4 agree to go with the decision that said basically we
5 have decided to trust MNR and that was the essence of
6 the particular option that was my understanding that he
7 was asking me about.

8 MR. FREIDIN: The question was, Mr.
9 Chairman, if you are listing the four options, he said
10 would you not agree that option No. 3 is what is being
11 proposed by the Ministry to date.

12 And the answer was, there are parts of
13 No. 3, yes, but then he qualified it.

14 THE CHAIRMAN: Okay.

15 MR. STRAIGHT: Okay.

16 MR. FREIDIN: And I just might add I
17 don't think that question, option No. 3 can be sort of,
18 you know, trust MNR. You can't just sort of put a bald
19 statement there in the absence of all the evidence
20 which is going to be coming and which has come about
21 the administrative organization, how it is set up,
22 commitments to follow the planning process, commitments
23 to do monitoring, and I could go on.

24 MR. WILLIAMS: Well, my question had
25 specifically stated that based on the evidence provided

1 to date. I realize there is more to come, but if you
2 want it to be precise.

3 Q. All right. One more question, if I
4 might, Mr. Straight.

5 As a senior administrator within the
6 Ministry, would you wish to have this Board direct you
7 or your Ministry as to who should be involved in the
8 timber management planning process and their minimum
9 qualifications and local experience?

10 MR. STRAIGHT: A. Would I want the Board
11 to do that?

12 Q. Would you wish to have this Board
13 direct your Ministry as to who should be involved in
14 the timber management planning process and dictate
15 their minimum qualifications and local experience?

16 A. I would -- I personally would think
17 that that is not a reasonable use of the Board's time
18 but, at the same time, I don't really feel that that is
19 my field of expertise or that that is my concern.

20 I mean, if the Board chooses -- and
21 clearly in my way of thinking those kinds of issues are
22 before the Board to decide. And you are asking me if I
23 would criticize in advance a decision of the Board. I
24 would follow that decision, sir.

25 Q. Mr. Scott, your current position as I

1 understand it is southern Ontario pesticide
2 coordinator; is that correct?

3 MR. SCOTT: A. That's correct.

4 Q. However, you are not here to talk
5 about that and you are not qualified to talk in that
6 particular area of expertise at the moment; are you?

7 A. I believe the way I have been
8 qualified for this panel is as a forester with a great
9 deal of field experience, and that is what I am
10 prepared to talk about in this panel.

11 Q. So that you are not here to talk
12 about this area of specialization in which you are
13 highly qualified; that is not what you were qualified
14 for as a witness?

15 THE CHAIRMAN: Well, he is qualified as a
16 forester with field experience.

17 MR. WILLIAMS: That is my understanding.

18 THE CHAIRMAN: He is not going to testify
19 on pesticides I don't believe.

20 MR. WILLIAMS: Q. Will we be hearing
21 from you later when the matter of herbicides and
22 pesticides is being discussed?

23 MR. SCOTT: A. No.

24 Q. Mr. Scott, you have heard my
25 questioning of Mr. Straight. Would you concur that the

1 qualifications and experience of MNR staff are a
2 cornerstone to effective timber management planning as
3 set out in the proposed Class EA?

4 A. I would concur that I believe we have
5 qualified staff who are capable of conducting the Class
6 EA as we propose it.

7 Q. I asked if they are, in your
8 judgment, a cornerstone to effective timber management
9 planning as set out in the proposed Class EA?

10 A. Can you define what you mean by
11 cornerstone?

12 Q. It seems to -- a cornerstone usually
13 supports a building or the whole structure on which it
14 stands.

15 A. I would say our qualified staff are
16 important to the Class EA as we propose it.

17 Q. Are they one of the cornerstones?
18 Let's say we have a building with four cornerstones.

19 A. Well...

20 THE CHAIRMAN: Well, okay. If you think
21 that is all relevant, Mr. Williams. Some buildings --

22 MR. WILLIAMS: You don't want it to fall
23 over, Mr. Chairman.

24 Q. Mr. Scott, you have a formal
25 university training in mathematics, psychology and

1 forestry; is that correct?

2 A. Yes. I did not complete mathematics
3 and psychology.

4 Q. Have you university training in any
5 other fields?

6 A. No.

7 Q. And in your forestry program you
8 concentrated on the areas of soils and silviculture; is
9 that correct?

10 A. That is correct.

11 Q. What university courses have you
12 taken in fisheries management?

13 THE CHAIRMAN: Mr. Williams, is this not
14 contained in his CV?

15 MR. WILLIAMS: Not specifically, Mr.
16 Chairman, no.

17 THE CHAIRMAN: Okay. If it is not, you
18 can go on with this line then.

19 MR. WILLIAMS: Q. What university
20 courses have you taken in fisheries management, Mr.
21 Scott?

22 MR. SCOTT: A. None that I recall. I
23 know we took zoology and a variety of courses, but no
24 specific fisheries management courses that I can
25 recall.

1 Q. Any in fisheries psychology?

2 A. I would have to say the same answer
3 again, I know we took ecology courses and there were
4 some fisheries examples, but no specific fisheries
5 ecology course.

6 Q. Same with wildlife management?

7 A. I did take a wildlife management
8 course at the University of Toronto in conjunction with
9 my forestry course.

10 Q. What was that course?

11 A. I believe it was wildlife management.

12 Q. Nothing more or less?

13 A. Second year course, 207.

14 Q. But it was U of T; was it?

15 A. Yes, it was. Professor Timleck gave
16 that course.

17 Q. Any courses in wildlife ecology?

18 A. Again, we took ecology and there were
19 examples related to wildlife ecology, but not a
20 specific wildlife ecology course.

21 Q. All right. Lastly, what about
22 environmental assessment; any courses in environmental
23 assessment?

24 A. No.

25 Q. Then I am correct; am I not, Mr.

1 Scott, that most of your professional experience has
2 been as a forester with MNR?

3 A. That I believe is how I have been
4 qualified, yes.

5 Q. You have been a member of
6 multi-disciplinary timber management planning teams as
7 described in the Class EA; have you not?

8 A. Yes, I have been.

9 Q. In fact, did you not act as a unit
10 forester responsible for the REBA management unit?

11 A. Yes, I did while I was forest
12 management supervisor in Ignace.

13 THE CHAIRMAN: Sorry, what was that last
14 name?

15 MR. SCOTT: While I was forest management
16 supervisor in Ignace District. I should qualify that,
17 I was not actually a member of the planning team.

18 When I arrived in Ignace, under the
19 process of the day, the operating plan had been
20 completed and we went through the mechanisms of
21 approval of that and I was not in Ignace at the time
22 that the plan was written.

23 MR. WILLIAMS: Q. So you were not
24 involved in the preparation of any part of the timber
25 management plan?

1 MR. SCOTT: A. In terms of review of the
2 existing plan, yes.

3 Q. So you had some involvement?

4 A. Yes.

5 Q. What about any other timber
6 management plans; have you had any more significant or
7 major input into preparation of other TMPs?

8 A. Yes, I was doing the past plan
9 analysis of the Rainy Lake Crown management unit.

10 Q. I am sorry, what is that name?

11 A. The Rainy Lake--

12 Q. Oh, Rainy Lake.

13 A. --Crown management unit. And while I
14 was in Thunder Bay as forest management supervisor, I
15 chaired the planning team for the Bright Sands forest.

16 Q. Bright Sands Forest Management plan.

17 A. Unit. Yes, that's an fMA. That was
18 in the early stages of the planning process.

19 Q. Would you consider your skills in
20 training as a forester to be representative of the
21 average forest supervisor in your Ministry, or above
22 average?

23 THE CHAIRMAN: How do you rate yourself,
24 Mr. Scott?

25 MR. FREIDIN: This is his chance.

1 MR. WILLIAMS: Don't fear about being
2 immodest.

3 MR. SCOTT: Well, it actually becomes a
4 more difficult question to answer. If we are dealing
5 with silvicultural applications and silvicultural
6 techniques, I would say that I have performed my duties
7 somewhat above average as a practising forester.

8 If you want to talk about my experience
9 in actually writing timber management plans, I would
10 say that I would be less than average because of
11 experience.

12 If you want to talk about integrated
13 resource management and integrating timber management
14 planning with other values, I would say that I would be
15 above average in experience. So it depends in what
16 perspective you are asking the question.

17 MR. WILLIAMS: Q. All right.

18 MR. SCOTT: A. However, if I can go on,
19 I say I would be typical of most forest management
20 supervisors who have a variety of specialties in a
21 variety of areas where they have excelled and some
22 areas where they haven't had the experience or
23 opportunities. And, in that sense, I would say that I
24 am fairly typical of the forest management supervisory
25 level.

1 Q. Is there any ascertainable or
2 defineable level of uniformity as to the skills and
3 training of the foresters within the --

4 THE CHAIRMAN: Well, Mr. Williams, there
5 is accredited courses in forestry and --

6 MR. WILLIAMS: It is all right, Mr.
7 Chairman, I will withdraw that question.

8 THE CHAIRMAN: Okay.

9 MR. WILLIAMS: Q. Let me ask you this:
10 Are there any skills or training that you possess with
11 respect to timber management plans in this EA that you
12 would not expect to find with the average MNR forester?

13 MR. SCOTT: A. Skills that I would bring
14 to a timber management planning process?

15 Q. Yes.

16 A. That may be unique or different?

17 Q. Yes. I think you touched on one or
18 two.

19 A. I believe that I have good experience
20 as an integrated resource management person with a wide
21 variety of experiences in management of other
22 resources.

23 Q. So those are the special skills that
24 you were talking about?

25 A. Yes. I would think that I would

1 bring that. However, again, I would like to stress
2 that anybody brings their certain specialties to the
3 timber management planning team.

4 Q. Your responsibilities for the REBA
5 unit terminated when you were transferred to Thunder
6 Bay District in June of '87; were they not?

7 A. That's correct.

8 Q. Now, between January and June of '87,
9 you served both as the fish and wildlife and forestry
10 supervisor for the Ignace District; is that correct?

11 A. That's correct.

12 Q. Given your limited qualifications in
13 non-timber resource management, it is surprising to see
14 that you would be appointed to fish and wildlife
15 supervisor.

16 Is this not the highest administrative
17 level within a district for which -- for the fish and
18 wildlife program?

19 A. I believe, if I relate back to my
20 experience, I said my specialty was in dealing in other
21 resource management as well, and I believe that I was
22 capable of doing the job and qualified.

23 Q. I am not questioning your capability;
24 I am asking if this is not the highest administrative
25 level within a district for the fish and wildlife

1 program, to be appointed as fish and wildlife
2 supervisor?

3 A. I would say with the qualification
4 that the district manager is in fact the highest level
5 administrative position responsible for all services,
6 and I would provide information as a fish and wildlife
7 supervisor duties to that district manager.

8 Q. Mr. Scott, the evidence presented to
9 date has indicated that resource management decisions
10 are made at the district level. As a result, as a fish
11 and wildlife supervisor, you were called on, were you
12 not, to make such decisions or at least to recommend
13 such to your district manager pertaining to fish and
14 wildlife issues?

15 A. Yes, I would have been.

16 Q. During your tenure as fish and
17 wildlife supervisor, who was your district manager?

18 A. That was Mr. Paul Wyatt?

19 Q. Is Mr. Wyatt not trained as a
20 geographer/planner?

21 A. I am not experienced or qualified to
22 talk about Mr. Wyatt's qualifications, I am not sure
23 what they were.

24 Q. Are you aware of any of his
25 professional training, whether he had any fish and

1 wildlife qualifications, professional, Mr. Wyatt?

2 A. I am aware that he worked as a
3 planner in northeastern region and that he worked with
4 the branch that dealt with Indian matters with Ministry
5 of Natural Resources. I am aware that he was a planner
6 in Peterborough and I think that's about the extent
7 of...

8 Q. So, to your knowledge -- to the best
9 of your knowledge, he had no professional training in
10 fish and wildlife matters, he was a planner and you are
11 not sure whether he is a geographer/planner, but...

12 A. I would say I am not sure if he did
13 or did not, he may have.

14 Q. If he did not have the training --
15 well, all right. You are not able to -- okay. I guess
16 you don't know.

17 Are you aware of any forest supervisors
18 in the Ministry today who is not a forester and who is
19 a biologist?

20 A. I am not aware of any forest
21 management supervisors who are not foresters and not
22 biologists -- or who are biologists.

23 Q. In other words --

24 A. Sorry, I will qualify that. In fact,
25 I am aware of some. I deal in my new job in southern

1 Ontario and the resources supervisor in a district like
2 Simcoe district, the resources supervisor who is
3 responsible for forestry is a biologist. And I am not
4 sure if there are other districts in similar
5 circumstances.

6 MR. STRAIGHT: A. Bob Beecher, who is
7 now a DRD and my counterpart down in the south, at one
8 time as well was a forest supervisor and he was a
9 biologist by background, yes.

10 Q. A biologist, but none of these are
11 presently positioned in a district that's within the
12 area of the undertaking, they are all in southern
13 Ontario you say?

14 Are any of them -- are those two that you
15 have singled out within the area of the undertaking in
16 discharging their present duties?

17 MR. SCOTT: A. No.

18 MR. FREIDIN: Perhaps for the record, Mr.
19 Straight, you could tell the reporter how to transcribe
20 DRD.

21 MR. STRAIGHT: Those of us in the
22 Ministry -- or I am normally referred to in the
23 Ministry as a DRD. Now that's a very affectionate
24 term, Mr. Chairman. It means Deputy Regional Director,
25 and I am sorry for using that acronym.

1 But just for a minute though, I was -- if
2 I can provide any clarification as well here, Mr.
3 Williams. I was very specifically at the regional
4 level one of those individuals involved in Mr. Scott's
5 specific appointment to that task as a fish and
6 wildlife and timber supervisor within Ignace District
7 and I can assure -- and it is a perfect example, if you
8 will, of some of the mechanisms or tools that we have
9 discussed earlier.

10 Mr. Scott, as long as he doesn't mind me
11 talking about him, was very specifically identified as
12 part of our manpower planning team which includes
13 myself, another counterpart who is also a DRD, only in
14 the administrative side, and the regional director.

15 And with Mr. Scott in particular, we
16 recognized what we considered to be some good talents
17 that we should broaden in a district like Ignace which
18 was small, we felt that what he needed was a bigger
19 challenge to get him recognized for his potential and
20 develop him for better things.

21 And so it is not only part of the
22 Ministry's development program for staff, but he is a
23 perfect example of our attempts to try and integrate,
24 to the degree we can, our managing of natural resources
25 role here.

1 And by the way, it worked. He got
2 Thunder Bay, which was a bigger and more important
3 district, and then he eventually now has got a
4 promotion down south. So we look at, as a region -
5 speaking very selfishly - Mr. Scott being an excellent
6 example, if you will, of staff development training and
7 good qualifications basically.

8 THE CHAIRMAN: Okay. But I think Mr.
9 Williams is going along the path to find out how fish
10 and wildlife decisions are made in an area when the
11 officer advising the district manager who makes the
12 decision neither has specific wildlife and fish
13 management training, is not a biologist, nor is the
14 district manager.

15 I don't know if I am putting this
16 correctly, Mr. Williams, or trying to pre-empt what you
17 were going to say, but that's what I got out of the
18 gist of your questioning up to the point before I asked
19 your question on your behalf.

20 MR. WILLIAMS: Well, I will surprise you,
21 Mr. Chairman, no, not now, later we will be going in
22 that direction.

23 THE CHAIRMAN: That comes later. Sorry,
24 I don't mean to jump the gun, but that would be a
25 question --

1 MR. WILLIAMS: It was a fair assumption
2 to make, but we will be coming back to that later.

3 Q. Mr. Scott, it would appear that you
4 and your forest colleagues have set up and used the
5 term wood for timber management -- the wood side of the
6 timber management planning process in a relatively
7 straightforward and efficient way. I think we will
8 certainly make that concession.

9 It is my understanding that this process
10 has a strong top/down component. Would you agree with
11 that observation?

12 MR. SCOTT: A. Could you be a little
13 more specific in terms of what organization of the wood
14 side you mean and how you are referring to top/down?

15 Q. Well, for example, the forest
16 production policy arose from a recognized need by
17 foresters to quantify in measurable terms the
18 provincial forestry objectives; is that not correct?

19 A. In essence, yes. Could you just
20 repeat that again?

21 Q. The example I am citing is that
22 forest production policy arose from a recognized need
23 by foresters to quantify in measurable terms the
24 provincial forestry objectives?

25 A. I would say it was intended to

1 quantify the forest production objectives.

2 Q. I am sorry, I don't know whether you
3 are agreeing or disagreeing with...

4 A. Well, it is the forest production
5 policy, therefore, it is dealing specifically with
6 production. However, there may be management plan
7 objectives in timber management planning that don't
8 necessarily relate to specific and total forest
9 production.

10 Now, there is an interrelationship --

11 Q. But does that element contain a
12 top/down component?

13 THE CHAIRMAN: Do you mean a directive
14 coming from above?

15 MR. WILLIAMS: Yes.

16 MR. SCOTT: Certainly as you put the
17 numbers together there is a provincial production
18 policy. However, in my involvement, when we reviewed
19 the forest production policy while I was a unit
20 forester, I put together statistics on my unit to say
21 the capability of my unit to produce wood and I put
22 that into the regional office as per my request and I
23 did not consider that a top/down policy directive at
24 the time.

25 THE CHAIRMAN: Well, it becomes a

1 provincial policy directive; doesn't it, but it is made
2 up of the units one by one?

3 MR. SCOTT: Exactly. It is the
4 phraseology of top/down that -- yes, it is a provincial
5 production policy. However, I know that in my
6 experience in being involved in the creation of that
7 production policy, as a unit forester I went on the
8 statistics on my unit.

9 MR. WILLIAMS: Q. So you are suggesting
10 you can go from down to top; down up, rather than up
11 down; it could go both ways?

12 A. I would say it is a coordinated
13 effort.

14 Q. Okay.

15 MR. FREIDIN: I am just wondering, if I
16 can make the observation, that I wouldn't want to get
17 into the evidence of Panel 1 again.

18 MR. WILLIAMS: We are not.

19 Q. This forest production policy that I
20 have identified by way of example, this led to the
21 setting of the 25.8-million cubic metre annual wood
22 production target for the province; did it not?

23 MR. SCOTT: A. Without being
24 specifically familiar, I would say I will accept your
25 figure conditionally that that is in fact the accurate

1 figure in the policy. I am not intimately familiar
2 with the numbers right now.

3 Q. Mr. Scott, there is also an
4 implementation schedule which is used to allocate
5 resource to the various districts for forest management
6 activities and to monitor progress toward the
7 provincial objective; is that correct.

8 An implementation schedule which is used
9 to allocate resources to the various districts for
10 forest management activities and to monitor progress
11 toward the provincial objective?

12 A. I know that we made implementation
13 schedules on each management unit as part of the forest
14 production policy. And, yes, that was intended to be a
15 form of the work program planning process so that money
16 could get allocated to districts.

17 In terms of monitoring the progress, I
18 believe that it is more done as part of the timber
19 management planning process. However, again, we are
20 entering into an area where I am not really confident
21 and intimate familiarity because I was not involved in
22 the creation of the forest production policy except as
23 a unit forester putting together those numbers--

24 Q. All right.

25 A. --for my unit.

1 Q. All right. Let me ask you this
2 general question: Are there not several other tools or
3 directives used to guide the forest resource program
4 besides implementation schedules in production policy?

5 A. Can you just phrase your question
6 again, please?

7 Q. All right. Very simply: There are
8 several other tools or directives used to guide the
9 forest resource program; are there not?

10 A. I would say that in the evidence we
11 presented to guide the forest management program, those
12 same kind of principles that we presented in terms of
13 tools are available to the practising forester to help
14 guide direction.

15 We can access scientific expertise, we
16 can access local knowledge and experience, we can
17 access and use our own professional judgment, we can
18 use our training. I don't want to reiterate all of
19 those again.

20 Q. But basically don't they boil down to
21 the two major techniques of sustained yield management
22 and integrated resource management?

23 A. You mean sustained yield management
24 and integrated resource management guide timber
25 management planning?

1 Q. All right. Sorry, let me take you to
2 page 100 of the Class EA. That might -- let me clarify
3 it that way. I am sorry ninety -- no.

4 THE CHAIRMAN: What page, Mr. Williams?

5 MR. WILLIAMS: 96, Mr. Chairman.

6 MR. SCOTT: Did you say page 96?

7 MR. WILLIAMS: Yes.

8 Q. Now, again coming back to my
9 question, I refer you to the top of the page and I
10 would ask you: There are several other tools or
11 directives used to guide the forest resource program
12 and you started to highlight some, but in the nature of
13 policy we appear to have three and I am drawing your
14 attention to those at the top of page 96 and asking if
15 you agree?

16 MR. SCOTT: A. And I would say that
17 those definitely are three of the policies that direct
18 forest management, but I would not limit and say those
19 are the only three. We have policies and procedure
20 manuals that we use to direct how we implement forest
21 management.

22 Q. I understand that, okay. All right.
23 Looking at those three specifically for just a few
24 moments. Would you say that the sustained yield
25 management is an integral component of the undertaking

1 being proposed by the Ministry?

2 A. As I read our silvicultural guides as
3 well, which we have introduced, yes, I believe so and
4 that is a management objective I believe of the working
5 group species.

6 Q. And would you say that as well of
7 integrated resource management practices?

8 A. Yes.

9 Q. Having been a unit forester and
10 forest supervisor, have you had an opportunity to put
11 these decision-making tools into practice?

12 A. It is difficult for me to call a
13 policy a decision-making tool necessarily. I would say
14 that that's a pre-existing obligation.

15 Q. All right.

16 THE CHAIRMAN: Well, it is something upon
17 which is taken into account--

18 MR. SCOTT: Yes.

19 THE CHAIRMAN: --and upon which your
20 decision is based, whatever the decision is.

21 MR. WILLIAMS: Whether it is a
22 decision-making tool or a policy, the ones I alluded
23 to.

24 MR. SCOTT: As a practising forest
25 management supervisor, the decisions we make at the

1 levels we make tend to already establish that those
2 things are given and we make them within those
3 frameworks.

4 And I guess in terms of that sense, yes,
5 we do use them as tools, but it is not something that
6 is consciously brought out, you don't read over them,
7 because you are always within that framework anyway
8 when you make decisions.

9 MR. WILLIAMS: Q. But, in any event, I
10 think you are telling us that you indeed have had
11 experience applying the forest production and sustained
12 yield management policies in the field?

13 MR. SCOTT: A. Management units that I
14 have operated on, yes.

15 Q. Okay. And similarly with regard to
16 integrated resource management, you have applied that
17 as part of the timber management planning you have been
18 involved in?

19 A. I would not say that, no, because my
20 understanding of the integrated resource management
21 policy that we have now was written after I had been
22 working on the timber management plan for the Rainy
23 Lake Crown management unit.

24 In terms of my participation in the
25 Bright Sands planning team as chairman, yes.

1 Q. Do you agree that integrated resource
2 management involves analysing all potential benefits
3 from the forest resource and optimizing them?

4 MR. FREIDIN: Mr. Chairman --

5 MR. WILLIAMS: Two or three more
6 questions in that area.

7 MR. FREIDIN: It is always two or three.
8 Every time I get up, I just get to the point where Mr.
9 Williams only has two or three. We are covering old
10 ground with another witness and I think it has been
11 dealt with by more than one witness.

12 THE CHAIRMAN: Well, Mr. Williams --

13 MR. WILLIAMS: Well, Mr. Straight said at
14 the outset that we are going to, in I suppose a
15 peripheral way, look back at Panel 1 and we are
16 touching on it in a peripheral fashion. I don't think
17 we are going into it in great depth but he wanted -- he
18 said the whole purpose of the panel was to take a look
19 back --

20 THE CHAIRMAN: All right. Well, let Mr.
21 Scott -- Mr. Scott has the experience of applying some
22 of this in the field.

23 Mr. Scott, you can answer Mr. Williams'
24 question.

25 MR. SCOTT: I believe that -- maybe I

1 should ask the question be asked again just so I get my
2 train of thought here.

3 MR. WILLIAMS: Q. Does interim (sic)
4 resource management involve analysing all potential
5 benefits from the forest resource and optimizing them?

6 MR. SCOTT: A. I guess integrated
7 resource management would not be identifying all --
8 what was your word, all...

9 Mr. Williams, I need...

10 Q. All right. I turn you to page 101.
11 Let me simplify it because of the definition that's
12 been used throughout the hearing of integrated resource
13 management policy.

14 I am essentially I guess asking you
15 whether you agree with that definition, that it is the
16 coordination of resource management programs and
17 activities so long that -- so that long-term benefits
18 are optimized and conflicts between the programs are
19 minimized.

20 A. See, I would agree with that
21 definition, but that is not identifying all aspects of
22 things that can be produced from an entire forest.

23 THE CHAIRMAN: And it relates to programs
24 and activities.

25 MR. WILLIAMS: Yes.

1 THE CHAIRMAN: Is your difficulty, Mr.
2 Scott, with the word all?

3 MR. SCOTT: Correct, because when we do
4 timber management planning, of course, we have an
5 extremely large management unit that has an infinite
6 number of combinations for that all category.

7 THE CHAIRMAN: Well, do you disagree in
8 any way with the definition contained on page 101?

9 MR. SCOTT: No, I think the definition is
10 what I would agree with, for sure.

11 MR. WILLIAMS: Q. Well, does it apply to
12 all -- it says to the long-term benefits. We take that
13 to be all inclusive, you are not...

14 THE CHAIRMAN: But doesn't that relate
15 back to management programs and activities, if you read
16 the sentence.

17 MR. WILLIAMS: Yes.

18 THE CHAIRMAN: Could you clarify your
19 question, please, Mr. Williams once again?

20 MR. WILLIAMS: All right. Mr. Chairman,
21 I guess what we are trying to deal with is whether IRM
22 involves dealing with both benefits and programs. The
23 definition says the coordination of resource management
24 programs -- it deals with the coordination of resource
25 management programs and activities.

1 So that two things occur: One, that
2 long-term benefits are optimized and that conflicts
3 between programs are minimized.

4 THE CHAIRMAN: But long-term benefits
5 from what; from activities, from programs?

6 MR. WILLIAMS: From programs and
7 activities.

8 THE CHAIRMAN: That's right.

9 MR. WILLIAMS: From the -- Mr. Chairman,
10 I think in the context that the long-term benefits
11 relate to the resource base.

12 THE CHAIRMAN: I can appreciate that, but
13 is it in the context of certain programs and activities
14 that you are looking at the long-term benefits to the
15 particular resource base? I guess that is all I am
16 trying to clarify.

17 MR. WILLIAMS: I think you are right
18 there, Mr. Chairman, but it does require optimization.

19 THE CHAIRMAN: I am not questioning the
20 optimization part, I am just trying to ascertain in my
21 own mind that when you are dealing with the long-term
22 benefits which are to be optimized and conflicts
23 between programs minimized, does it not refer to the
24 resource base--

25 MR. WILLIAMS: Yes.

1 THE CHAIRMAN: --in the context of
2 specific management programs and/or activities?

3 MR. WILLIAMS: I don't think --

4 THE CHAIRMAN: That is the way I would
5 read that statement.

6 MR. WILLIAMS: The first is resource base
7 period. We don't see as being restrained by its
8 application to existing programs.

9 THE CHAIRMAN: But what are you testing
10 the resource base in the light of if there is not a
11 program or activity which is involved? If there is no
12 program or activity involved at all the resource base
13 stays in its natural form; does it not, whatever that
14 might be.

15 MR. WILLIAMS: Sorry, I fail to follow
16 that logic, Mr. Chairman. Just a moment.

17 THE CHAIRMAN: What do you say we have an
18 afternoon break and we will all try and put our
19 thinking caps on over the break and tackle it again on
20 the return.

21 Fifteen minutes.

22 MR. WILLIAMS: Good thought, Mr.
23 Chairman.

24 ---Recess taken at 3:15 p.m.

25 ---Upon resuming at 3:50 p.m.

1 THE CHAIRMAN: Thank you. Be seated,
2 please.

3 Mr. Williams?

4 MR. WILLIAMS: Q. Mr. Scott, the
5 question we were grappling with before the coffee
6 break, I will put it in more simple terms. Do you
7 agree that an objective of integrated resource
8 management is to manage the area of the province for
9 optimum long-term benefits?

10 MR. SCOTT: A. Yes, adding that we
11 reduce, of course, and minimize conflicts.

12 Q. So you would agree with me that
13 timber management planning constitutes more than
14 growing trees and involves managing all those resource
15 benefits accruing from forests?

16 A. I believe using integrated resource
17 management practices means that within timber
18 management planning we have to account for other
19 values.

20 Q. Are you familiar with the timber
21 management planning process contained in the Class EA?

22 A. In a general sense, yes, but not in
23 great detail.

24 Q. All right. Staying general, can you
25 tell us what are the major differences, in your view,

1 between the proposed system and that which you
2 personally have used as a forester within MNR for some
3 past -- for the past decade?

4 A. I would say that in the two instances
5 where I have been most involved in timber management
6 planning, one was more or less using -- I will use in
7 quotes - "the old way" and when I was involved as
8 Chairman of the Bright Sands planning team, we were
9 using the new timber management planning manual as it
10 existed which closely follows the Class EA as we have
11 submitted to the Board.

12 So in terms of chairing the Bright Sands
13 planning team I would say we implemented a timber
14 management planning very closely to what we are
15 proposing.

16 Q. But I am asking, what are the major
17 differences between the old and the new?

18 A. Okay. That's the first part of my
19 answer because I specified I believe in my testimony I
20 had two experiences with timber management planning
21 directly. In the one experience we -- there were
22 virtually no differences to what we are proposing, we
23 followed the timber management planning manual. I am
24 not sure of the significant differences between the
25 timber management planning manual as it exists and what

1 is contained in the Class EA that we are proposing in
2 front of the Board.

3 Now, when I deal with the old style or
4 the old way that I said in quotes on the Rainy Lake
5 Crown management unit, the Rainy Lake Crown management
6 units plan was due on April 1st, 1986 and we were
7 trying to break ground as we started that planning
8 process in 1983-84 -- I have got my dates a little
9 wrong, it was due April 1st, 1985, I believe - we were
10 trying to break ground and align ourselves with what we
11 knew was coming along to be the new timber management
12 planning process, so we were trying to prepare
13 ourselves for public involvement, we were trying to
14 prepare ourselves in a very similar schedule to what
15 was being done into a past plan analysis similar to
16 what is being done now.

17 The significant differences I think would
18 be best shown in the differences between the Class EA
19 version that we had written in 1983 versus what we have
20 now and the intricacies of those differences, I am not
21 sure. I relied on a management planning specialist out
22 of regional office.

23 MR. MARTEL: Can I ask a question: Are
24 you trying to make a comparison between timber
25 management prior to, let's say, the FMAs and timber

1 management after the FMAs and what is now being
2 proposed, because I think most of the testimony we have
3 heard up to date was that there were a couple of -- the
4 old system was that, I think primarily referred to,
5 prior to the forest management agreements coming in,
6 and the new process came after that, I think we heard
7 from Mr. Clark, and I think we he heard from a whole
8 number of people. And is that where the reference is
9 that is confusing at this point in time?

10 MR. SCOTT: My understanding is that the
11 first FMAs that were written were written with a
12 20-year management plan and a five-year operating plan
13 and that is the old system that I am referring to.

14 When I was involved in the Rainy lake
15 Crown management unit we assumed that the new timber
16 management planning manual would have an operating plan
17 and a management plan together in a five-year timber
18 management planning system. So we tried to streamline
19 ourselves that way, predicting in advance the direction
20 the Ministry would go, involving the public
21 consultation process similar to what we had done in the
22 District Land Use Guidelines, approving them.

23 Those significant differences I was not
24 aware of them. From my perspective we were dealing
25 very preliminarily --

1 MR. MARTEL: That is why I am asking the
2 question of whether in fact -- or just we have a
3 difference here where the impasse is. What is designed
4 as the old plan, is that the one where we didn't have
5 consultation - and, of course, that is what we have
6 heard so far - the new plan was once you introduced the
7 FMAs and the five-year, you had the five-year plan, you
8 had consultation and so on.

9 But it seems to me that the question
10 being asked of you seems that you were involved in both
11 of them primarily under the new plan.

12 MR. FREIDIN: If I may just comment. I
13 think one part of the confusion is that, prior to 1986
14 with the sort of first edition of the present manual,
15 there were two manuals; one which I think was 1978
16 which dealt with Crown management units and then there
17 was another manual which was before the forest
18 management agreement areas which came out in 1980 and
19 they went along then from 1980 to 1985 or 6 with both
20 of those.

21 And I think the confusion comes here
22 because this witness, although he got involved with the
23 preparation of a Crown management unit plan which would
24 be governed by the 1978 manual, they knew what was
25 coming, they knew that the 1986 consolidation was

1 coming, so they didn't quite follow the old process,
2 they tried to adopt some of the new things.

3 I think that is what the witness is
4 saying.

5 MR. SCOTT: Yes. In fact, you are
6 correct. The old system that I was referring to was
7 what we called the green manual, it was for Crown
8 management units.

9 MR. WILLIAMS: Okay.

10 MR. FREIDIN: Mr. Chairman, I think in
11 Panel No. 15, as a result of a comment that you made,
12 there is a description of what we believe the
13 significant differences are between the old and the
14 new.

15 Now, I don't know -- I can't tell you
16 right now whether the old is old according to the FMAs
17 and the Crown, or one -- we have made that analysis and
18 we will hopefully address that particular concern that
19 you indicated some time ago.

20 THE CHAIRMAN: Very well.

21 MR. WILLIAMS: Yes, I can see with that
22 there is an intermediate stage there that does create
23 some confusion, Mr. Chairman.

24 I think under those circumstances,
25 probably we will have to deal with those - and I think

1 your point is well taken, Mr. Martel and I appreciate
2 your having raised it - I think we best will probably
3 have to deal with those three variables when we come to
4 it in that panel, because I think there are differences
5 not just between one and two systems, but between
6 three. So without developing a whole further line of
7 questions, we didn't intend to do that.

8 Q. All right. Mr. Scott, accepting the
9 public consultation and government review provisions --
10 yes, okay. All right. That Takes in part of that.
11 Let's move on.

12 I indicated to Mr. Straight, Mr. Scott,
13 that I have some difficulty putting all the pieces of
14 the proposed timber management plan EA process together
15 but that hopefully by the end of the hearing we would
16 have a better understanding, but perhaps you can help
17 me along the road in this regard.

18 I understand that at the beginning of the
19 proposed timber management planning process the
20 district manager appoints a multi-disciplinary team; is
21 that correct?

22 MR. SCOTT: A. That's correct.

23 Q. Are terms of reference for each team
24 member then prepared?

25 A. In the case of the Bright Sands

1 Forest that is what we did; we proposed terms of
2 reference to a steering committee that that district
3 manager had also appointed which would have been more
4 senior people in the organization.

5 And that steering committee approved
6 those terms of reference, the district manager chaired
7 the steering committee.

8 Q. This was with regard to the Bright
9 Sands one; was it?

10 A. Yes. I try and prefer to relate that
11 to my own experience.

12 Q. And that is the system that is in
13 place now?

14 A. As I understand it, yes.

15 Q. And you are saying that there is a
16 management team that prepares the term of references?

17 A. In the case in the Bright Sands we
18 proposed terms of reference for the planning team and
19 relayed those terms of reference.

20 Q. Oh, you prepared the terms of
21 reference for the planning team; they didn't prepare
22 the term collectively, the terms of reference
23 collectively. Some one individual or...

24 A. No.

25 Q. Whose we? Whose we?

1 A. The planning team met--

2 Q. Yes.

3 A. --and proposed terms of reference,
4 discussed them in a general meeting format, recorded
5 them, agreed on the minutes of the meeting and put
6 those terms of reference to the steering committee.

7 Q. Who would be -- while again you can
8 only refer I guess to your own experience, who are the
9 people that comprised your planning team, in your case?

10 A. I hope I can cover everybody, it was
11 quite a large planning team. Do you want a general
12 answer or do you want me to be specific?

13 Q. Well, we will excuse you if you
14 forget one or two, but basically if you can just give
15 us an appreciation of who the people were and with the
16 qualifications.

17 A. Okay. We had John McNicol who the
18 Board has seen before as a wildlife biologist, wildlife
19 specialist. We had a representative of our Lands
20 Branch, I believe Jim Jackson served in that capacity.
21 We had a main office management planning specialist, I
22 think that was Bob Fleet. There was myself chairing
23 the steering -- or chairing the planning team.

24 We had a representative from -- two
25 representatives from Great Lakes Forest Products who

1 were going to jointly offer the plan; one was the camp
2 forester from the camp that primarily operated in the
3 area, and one was the management planning forester from
4 the company.

5 We had a representative of Buchanan
6 Forest Products because they did significant third
7 party operations in the Bright Sands. We had a member
8 from Ministry of Tourism and Recreation.

9 We had the designated Crown
10 representative from the Bright Sands FMA. We had
11 another forester to assist us, silvicultural
12 specialists from the Great Lakes Thunder Bay District
13 and the regional planning specialist from the region.

14 I can't -- I think that is about as much
15 as I can recall right now. Oh, sorry, we did have
16 representatives from Nipigon and Ignace District
17 because the Bright Sands Forest went in both those
18 districts, the Lands Supervisor from Ignace District
19 was represented on the planning team and the acting
20 Forest Management Supervisor from Nipigon District was
21 serving on the planning team.

22 We also had an arrangement with Sioux
23 Lookout because the unit actually went into Sioux
24 Lookout District that we would communicate as a team to
25 the district staff in Sioux Lookout and if they wanted

1 representation of any issues that would concern their
2 district specifically, they would come to those
3 planning meetings.

4 Q. Okay, that is pretty thorough recall.
5 Thank you. Are the terms of reference usually written
6 down and circulated amongst the team members for
7 comment?

8 A. Yes, they are.

9 Q. Is there anyone else who comments on
10 them?

11 A. The members of the steering
12 committee, the regional forester who served on that
13 steering committee had taken them to the regional
14 director as well and I believe we sent them to the
15 Director of Timber Sales Branch as well for the
16 management planning section to review and comment on.

17 Q. If I can test your memory just a bit
18 further. Again, in your case, who were the people
19 involved in your steering committee, who constituted
20 that committee?

21 A. The steering committee involved main
22 office planning representative, I believe Tom Tresanski
23 was represented by Bob Fleet at the time. The regional
24 forester Ron Calvert, the District Manager chairing
25 that, the woodlands manager from Great Lakes Forest

1 Products Warren Moore was on that. I think there was a
2 fifth member and I just can't quite recall and then I
3 served on that steering committee as well, more or less
4 as secretary to the steering committee but as chairman
5 of the planning team.

6 Q. Okay, thank you. Mr. Scott, I am
7 interested in seeing what is included in these terms of
8 reference. Would it be possible for you to provide for
9 me a compilation of the terms of reference for each
10 team member for a multi-disciplinary team in which you
11 have participated?

12 MR. FREIDIN: I believe there is such a
13 document included in the materials in Panel 15.

14 THE CHAIRMAN: Those are available now;
15 are they not?

16 MR. FREIDIN: Yes.

17 MR. WILLIAMS: Is there any reason why
18 that couldn't be...

19 MR. FREIDIN: Terms of reference for --
20 yes, Wabigoon Forest. Unfortunately I am at a bit of a
21 disadvantage like I think some of the other counsel. I
22 can't tell you verbatim what is in some of those later
23 panels.

24 THE CHAIRMAN: You would then have that
25 information; would you not, Mr. Williams?

1 MR. WILLIAMS: I presume, Mr. Chairman,
2 if it is in the documentation. Again I haven't had a
3 chance to look at that later panel, I have to look and
4 see.

5 MR. FREIDIN: You and I are in the
6 same...

7 MR. SCOTT: If I might make a comment,
8 Mr. Chairman. Just at the end I was asked to provide
9 terms of reference for each planning team member. The
10 way we had set it up on the Bright Sands Forest, there
11 was one set of terms of reference for the planning
12 team, there were not individual terms of reference for
13 each planning team member.

14 MR. WILLIAMS: Q. Well, Mr. Scott, I
15 guess what I am interested in knowing is: Are these
16 terms of reference comparable to the terms of reference
17 used in your Bright Sands?

18 MR. SCOTT: A. I have no experience with
19 the Wabigoon...

20 Q. So you can't personally answer that,
21 okay. Is it your understanding, however, that the
22 terms of reference used are more or less standard
23 across the province?

24 A. That is not really one of my areas of
25 expertise, so I don't really know. That is presumably

1 provincially coordinated.

2 Q. Are the -- just one last point on the
3 terms of reference. Are they developed - and I just
4 want to be clear on this, Mr. Scott - are they
5 developed for the individual team members, per se or...

6 A. No, I think that is what I specified,
7 they are terms of reference for the planning team.

8 Q. As a whole?

9 A. As a whole.

10 Q. Okay.

11 A. Or, in my experience, that is what we
12 did at the Bright Sands.

13 Q. Okay. All right. I guess that leads
14 to this requires another question for clarification.
15 If the terms are drawn for the team as a whole, are the
16 different assignments of the individual members of the
17 team determined or established?

18 A. Again, if I can draw on my own
19 experience, we would give specific assignments
20 according to the jobs which needed to be done to assist
21 the two principal authors in writing that management
22 plan. A good example which I believe I testified
23 earlier in cross-examination was John McNicol would be
24 given the job to ensure that the two principal authors
25 had copies available to them of all the guidelines and

1 resource manuals that they were required.

2 Another member of the planning team, we
3 did have a member of our Fire Branch as a planning team
4 member. He was assigned the responsibility of creating
5 a values map for presentation at the first information
6 session. We would just delegate job duties out.

7 Q. All right. Just one further point of
8 clarification. You say we, we would delegate job
9 assignments out. Who is we?

10 A. The planning team.

11 Q. Collectively, I see. And there is
12 no one individual in that team who makes the ultimate
13 decision?

14 A. As I specified, I chaired that
15 planning team and I just chaired the meetings and we
16 came to agreement on who would do what job duties.

17 Q. Mr. Scott --

18 A. We, the planning team.

19 Q. Mr. Scott, what Ministry directions
20 are provided to foresters such as yourself to blend
21 with your professional judgment so that you can arrive
22 at these terms of reference? What Ministry directions
23 are provided to people such as yourself to blend with
24 your professional judgment to arrive at these terms of
25 reference?

1 A. I guess I would have to again draw on
2 the experience of how we drew them up on the Bright
3 Sands Forest.

4 Q. Yes.

5 A. There was consultation with our
6 provincial management planning group as to what the
7 team would be responsible for, there was discussion
8 with the district manager, regional planning
9 specialist, the various supervisors within our own
10 district, the regional biologist, the deputy regional
11 director, any number of sources of information.

12 As a practising forester I would rely on
13 someone like the provincial management planning
14 specialist to ensure the terms of reference were
15 consistent with policies and we would discuss that back
16 and forth. Similarly, the regional planning
17 specialist, we would again seek advice and information
18 as to what our job duties were. And once we
19 established what the objectives were of the planning
20 team, would draw up terms of reference to meet those
21 objectives.

22 Q. Well, Mr. Scott, are you saying then
23 that these Ministry directions that are provided to the
24 forester are verbal in nature, or are they--

25 A. No, there is--

1 Q. --paper?

2 A. --a policy and I just am not
3 intimately familiar with the number. I remember
4 reading it, it is about -- there is a policy, I guess
5 as I recall, six or eight pages long, that was written
6 on plan production -- actually I am not sure if it is a
7 policy or procedure. I just don't have that recall at
8 the moment.

9 But I do know that there is documented
10 direction and, in terms of interpretation, we would go
11 to our specialists who are more familiar with making
12 those interpretations for us.

13 Q. Would you agree that these terms of
14 reference can be instrumental in setting the course of
15 a timber management plan?

16 A. Yes, I think those terms of reference
17 are important to establish in terms of plan production.

18 Q. Mr. Scott, I have been unable, up to
19 this point, to find out what exactly is being proposed
20 for approval with respect to the timber management
21 planning decision-making process. I am getting some
22 enlightenment but I have to pursue this further.

23 As a result of looking forward to your
24 evidence, and I am going to refer you to page 109 of
25 the Class EA and it is Figure 2.1-1, the timber

1 management planning process plan production.

2 Would you agree that this figure
3 describes the sequence of steps involved in the
4 process -- timber management planning process?

5 A. In my estimation this is a general
6 synopsis of the process and some of the key elements of
7 it. I don't believe...

8 Q. That's what I'm saying, it sets out
9 the sequence of steps to be followed; does it not? I
10 mean --

11 A. Yes, I would say that in conjunction
12 with a another portion, diagram in the Class EA on page
13 155.

14 MR. FREIDIN: What page.

15 MR. SCOTT: Page 155.

16 MR. FREIDIN: Of...?

17 MR. SCOTT: Of the Class EA.

18 MR. WILLIAMS: Q. What is that, Figure
19 2.1-2 you are referring to?

20 A. 2.1-2.

21 Q. Mm-hmm. How does that --

22 A. I say that relates there because that
23 shows how we interact with public notification as part
24 of the process. And, again, you are entering into an
25 area where I don't have a great deal of expertise.

1 However, in my estimation, these two
2 figures together provide a pretty accurate summary for
3 me to interpret the timber management planning process.

4 THE CHAIRMAN: Mr. Freidin, is this going
5 to be specifically the subject of Panel 15 as well?

6 MR. FREIDIN: Oh, definitely. Part II
7 talks about each of those steps and what is involved
8 and will be the central portion of the evidence in
9 Panel 15.

10 MR. WILLIAMS: Q. I've just got an
11 interest in seeing what specific - I hear what you are
12 saying Mr. Chairman, but I think there are a couple of
13 questions here - what specific decision-making tools
14 and procedures that your Ministry is putting forth for
15 approval in this and, in this respect, I find that the
16 title of the document that you co-authored to be most
17 pertinent.

18 Also, Mr. Scott, because of your past
19 experience with the Ministry in preparing timber
20 management plans, your practical knowledge is important
21 to us. I am interested in learning, in particular, how
22 in practice - not on paper - these timber management
23 plans get prepared in the general context and your
24 direct experiences, in our judgment, is valuable in
25 this respect.

1 Now, you have said that Figure 2.1-1 of
2 the Class EA strikes the process on paper combined with
3 the other exhibit; is that correct?

4 MR. FREIDIN: Mr. Chairman, if I might
5 just interject. This witness indicated that he is not
6 an expert in the plans process, in fact the evidence is
7 that he has never presented a plan in accordance with
8 this particular planning process.

9 I can understand why -- you know, so I am
10 not really objecting perhaps to the question, but I
11 don't think we have got someone here who is going to
12 really assist us in the long run. I hope -- and I
13 truly am not trying to limit Mr. Williams.

14 THE CHAIRMAN: No. Mr. Williams, I don't
15 think the Board is either, but we would normally expect
16 to spend a large amount of time on Panel 15 dealing
17 with the actual planning process that is before this
18 Board, and I take it that the Ministry will be calling
19 a variety of witnesses for that panel, most of whom
20 hopefully will be able to deal in detail with the
21 elements -- constituent elements of the entire planning
22 process.

23 And taking into account Mr. Freidin's
24 comments that this witness has very limited experience
25 in applying the planning process that is before the

1 Board for approval, I am not sure it is going to be all
2 that helpful to explore these questions with this
3 particular witness.

4 You may get some answers from him, but I
5 am not sure those will be the authoritative answers
6 that the Board will be considering later on when we get
7 to Panel 15.

8 MR. FREIDIN: I think that maybe even you
9 use the word application of the process, I don't
10 think -- it is also important to have someone
11 knowledgeable about the process even if you applied it,
12 it is a different process now than was dealt with by
13 Mr. Scott.

14 MR. WILLIAMS: Well I guess, Mr.
15 Chairman, it comes back again to the problem we have
16 had throughout. We are trying to deal with this
17 material in the context in which it has been presented
18 in this panel and I think, as you have said on many
19 occasions, there is unfortunately inevitably going to
20 be overlap on certain areas that will be dealt with in
21 specific ways and areas that will be dealt with in
22 general.

23 And, again, certainly we don't want to
24 intentionally or unnecessarily encroach on those other
25 areas where it will be dealt with in the specific, but

1 in order to have a better appreciation from our part on
2 how to deal with them in the specific, I think it is
3 important that we develop some questions in the general
4 as it relates to this panel.

5 THE CHAIRMAN: Develop your questions,
6 Mr. Williams, in the general.

7 MR. WILLIAMS: Okay.

8 THE CHAIRMAN: But I would caution the
9 witnesses that if you are in a position to assist the
10 Board or Mr. Williams with your answers, do so. If you
11 are not, then indicate that you are't because we don't
12 necessarily want to be confused by information you may
13 provide if, in fact you, don't really have the
14 appropriate level of experience or knowledge and then
15 have it come in from a more specific panel later on
16 where that supposed level of experience and knowledge
17 is there because, frankly, I think from the Board's
18 perspective that will only confuse matters.

19 So I mean, if you are able to help Mr.
20 Williams out in the general context, please do. If you
21 weren't, then I think from the Board's perspective you
22 are not obliged to answer--

23 MR. SCOTT: Okay.

24 THE CHAIRMAN: --because it is only going
25 to confuse matters for all of us later on. We want to

1 get the information - and you can appreciate, Mr.
2 Williams, we all have a voluminous amount of
3 information to assimilate - and we don't want to
4 clutter it up, at least from our point of view, with
5 information that is speculative in the sense that the
6 witnesses don't really have the expertise to be
7 commenting specifically on your questions.

8 MR. WILLIAMS: I appreciate that, Mr.
9 Chairman. Let's try it on.

10 THE CHAIRMAN: Excuse us a moment.

11 MR. WILLIAMS: Yes.

12 THE CHAIRMAN: Okay, Mr. Williams, just
13 to indicate where we are going this afternoon.

14 Mr. Martel has been having a little bit
15 of a back problem this afternoon and, as a consequence,
16 I think we are going to rise at 5:5 tonight. So you
17 could adjust your presentation for the rest of the day
18 to that time, we would appreciate it.

19 MR. WILLIAMS: All right. Mr. Chairman,
20 we will try to keep it moving along and we have no
21 difficulty with short answers to our questions and yes
22 and no, if at all possible. We will try and move it in
23 that regard.

24 THE CHAIRMAN: We don't object to those
25 answers either.

1 MR. WILLIAMS: Q. All right. Mr. Scott,
2 if I can backtrack here. In following through this
3 process as outlined in Figure 2.1-1 as accompanied by
4 your other exhibit, we feel that it is important for us
5 to continually be concerned with and refer back to what
6 this Board is being asked to approve; that is, a timber
7 management plan, environmental assessment planning
8 process.

9 Now, I have asked Mr. Straight a number
10 of questions in terms of the relationship of this Class
11 EA to the normal EA planning process and the typical
12 components thereof.

13 Now, before you begin to explain, in
14 response to the question, I am going to ask you how the
15 decision-making tools are proposed to work, I wish to
16 ensure that you agree with the major components of an
17 EA planning process; namely, inventory, impact
18 prediction and valuation.

19 THE CHAIRMAN: Are we going to use the
20 same criteria or components that you used with Mr.
21 Straight?

22 MR. WILLIAMS: Yes, those are the major
23 components of the process.

24 THE CHAIRMAN: Well, inventory as amended
25 by him to include information; are we going to go

1 through that again?

2 MR. WILLIAMS: No, we won't be going
3 through that in depth. The same ones that were
4 identified before in the context in which they were
5 answered.

6 THE CHAIRMAN: You were here for those.
7 Did you hear them all?

8 MR. SCOTT: Yes, and I would agree with
9 Mr. Straight, that information should be a significant
10 difference in the way we phrase that in that I would
11 not...

12 MR. WILLIAMS: Q. Information rather
13 than inventory?

14 MR. SCOTT: A. Yes, and I would not add
15 any differences to Mr. Straight's testimony from
16 before.

17 THE CHAIRMAN: Can we assume then that
18 you agree with the components as described by Mr.
19 Straight?

20 MR. SCOTT: I believe that those
21 components were Mr. Williams' components and...

22 THE CHAIRMAN: No, they were but as
23 agreed to by Mr. Straight.

24 MR. SCOTT: Right, yes.

25 THE CHAIRMAN: Okay. With his

1 amendments.

2 MR. WILLIAMS: Okay, fine. So we are
3 agreed.

4 Q. Mr. Scott, is it also desirable, if
5 not in fact required, that the EA is traceable and key
6 decisions are clear and accountable?

7 MR. SCOTT: A. I would have to rely
8 again and agree with the previous testimony of Mr.
9 Straight. Traceability is a factor, yes.

10 Q. And accountability as well?

11 A. Yes.

12 Q. Previous panels have described in
13 considerable detail the background information
14 collected during preparation of a timber management
15 plan. However, step 1 of the proposed process also
16 includes an analysis phase. What type of analysis of
17 timber and non-timber background information are
18 undertaken at this point in step 1?

19 A. I am sorry, I have no expertise in
20 that kind of analysis.

21 Q. All right. Even using your Bright
22 Sands experience?

23 A. I would say in terms of my Bright
24 Sands experience we had an information centre and we
25 produced a map of values. In terms of analysis of that

1 information, I have no experience, no.

2 Q. Those are the two tools or techniques
3 you used; you developed a values map and had
4 information centres set up?

5 A. Again, given that I am doing that
6 from recall, you know, I can't remember all of the
7 details of the information we had. I know it was quite
8 voluminous. We collected a great detail of
9 information, wasn't just a case of having a map on the
10 wall in any one information centre.

11 Some of the analysis - if I can shed some
12 light - I know in the invitation to participate people
13 would identify concerns, we would make responses to
14 them as to where they might want to draw those concerns
15 but, again, I would say that this is my area of
16 expertise.

17 Q. All right. Then could you tell me
18 this: Are there standard tools, to our knowledge, that
19 MNR professional and technical staff use for their
20 value maps?

21 A. Can you tell me what you mean by
22 tools? If we are referring to the evidence we
23 presented in our document, those decision-making tools,
24 I believe they are available.

25 Q. What analysis is used in developing

1 the values maps?

2 A. I am not exactly sure what you mean
3 by analysis in producing that values map. Just from a
4 practical sense, the value tends to be present or
5 absent as we know it and as we solicit information from
6 the public.

7 Q. That's what you understand the
8 meaning is of step 1 is an assembly and analysis of
9 background information?

10 A. Again, I am not an expert on this
11 analysis.

12 Q. Okay. Are you aware whether there
13 are any manuals or guidelines directing their use?

14 A. Which use?

15 MR. FREIDIN: The use of what?

16 MR. WILLIAMS: Q. The development of the
17 analysis -- the analysis and valuation maps?

18 MR. SCOTT: A. I hate to even come back
19 and say that this is not my area of expertise, but I
20 just simply have no experience in this.

21 Q. All right. Then, Mr. Scott, just
22 give me a minute then. Thanks.

23 Mr. Scott, let me relate these series of
24 questions to your Bright Sands experience. First of
25 all you told us, did you not, that the Bright Sands

1 experience to the best of your knowledge was the type
2 of undertaking or procedure that was used with regard
3 to the other timber management plans that were
4 developed at the time?

5 A. I believe my testimony was that the
6 Bright Sands timber management planning process aligned
7 itself with the timber management planning manual
8 which, my understanding, forms part of the Class EA
9 being submitted.

10 Q. Figure 2.1-1, does that reflect what
11 is in the timber manual guideline?

12 A. I believe so, yes. And I will just
13 answer that without checking the manual to check word
14 for word.

15 MR. WILLIAMS: Just give me a minute,
16 would you, Mr. Chairman.

17 Q. Mr. Scott, you told us earlier in
18 testimony that you were chairman of the planning
19 committee on the Bright Sands project; right?

20 MR. SCOTT: A. Yes.

21 Q. And you have used the timber manual
22 which is one in the same as the information set out in
23 Figure 2.1-1; is that right, you said --

24 A. Again, qualifying that I didn't check
25 word for word but, in essence, I believe yes.

1 Q. Well, with those type of credentials
2 and experience, why would you feel unable to answer
3 these specific general questions, the ones that you had
4 said you weren't qualified to answer?

5 A. I said I was unfamiliar with the
6 guidelines in terms of how to produce our guidelines
7 for that analysis. Again, there are a number of
8 areas -- we had, actually on that Bright Sands planning
9 team, five foresters.

10 I was not one of the principal authors
11 and we delegated job duties out and my role as chairman
12 was a facilitator and be generally aware of the timber
13 management planning process as I understood it to the
14 level of those two diagrams.

15 THE CHAIRMAN: So is what you are saying
16 basically that as the chair of that planning committee,
17 certain aspects of all these steps - if this type of
18 diagram was in effect at the time and it basically was
19 through the timber planning manual--

20 MR. SCOTT: That's correct.

21 THE CHAIRMAN: --which is similar to the
22 one before us - these steps would have been delegated
23 to specific people?

24 MR. SCOTT: That's correct.

25 THE CHAIRMAN: Or other members of the

1 planning team would have had carriage over those
2 persons who perform the various tasks under some of
3 these titles?

4 MR. SCOTT: That's correct.

5 THE CHAIRMAN: And are you stating that
6 you yourself didn't know all of the details of some of
7 these items because you in fact don't have that
8 experience--

9 MR. SCOTT: Exactly.

10 THE CHAIRMAN: --in actually doing it?

11 MR. SCOTT: Exactly.

12 MR. WILLIAMS: Q. All right then, Mr.
13 Scott, let's move to this question. My understanding
14 that one of the outputs of step 1 is identification of
15 areas requiring comprehensive planning. Do you agree?

16 MR. SCOTT: A. I would prefer to say it
17 is identification of values and potential areas of
18 concerns. It is difficult for me to say exactly, in
19 your words, that that's correct.

20 Q. Why doesn't MNR practice
21 comprehensive -- all right, let's take a look at the
22 EA, in particular page 114.

23 MR. FREIDIN: What page?

24 MR. WILLIAMS: 114.

25 Q. And I would refer you to lines --

1 yes, the last paragraph in the -- last sentence in the
2 second paragraph.

3 MR. SCOTT: A. You are talking about
4 line 22?

5 Q. I am talking about line 16 to 22.

6 A. Okay. If you can just give me a
7 moment to read that over.

8 Q. All right.

9 A. Again, the word here is comprehensive
10 and I believe it is referring to areas of concern and,
11 in my interpretation, that's what we do, we identify
12 potential areas of concern.

13 Q. Why doesn't the MNR practice
14 comprehensive planning on all lands within a timber
15 management plan?

16 MR. FREIDIN: Mr. Chairman, the line of
17 questioning that Mr. Williams is taking is, I will
18 agree, relevant to the entire proceedings, it is a
19 matter which requires evidence-in-chief to be directed
20 to it; it is an issue which it is going to be dealt
21 with in evidence-in-chief in Panel No. 15 by people who
22 have been principal or have been extensively involved
23 in the design of the planning process and they will be
24 able to enunciate the differences or similarities of
25 the approach taken to planning in areas of concern as

1 opposed to areas which are not in areas of concern.

2 It is an important issue. I know it is
3 an issue which is of some concern to people and it will
4 be addressed and I would ask that this matter be left
5 to Panel No. 15 so that you will hear the Ministry's
6 rationalization for the approach it has taken in this
7 regard and that you hear it for the first time from
8 somebody who has been involved in the actual
9 development of the planning process itself.

10 THE CHAIRMAN: Once again, Mr. Williams,
11 it goes to some extent to the Board being able to get
12 the best evidence on these issues, not that the Board
13 will be deprived of this evidence or any of the
14 parties, but that we get the best evidence. And,
15 again, we just put to you: Is this the best witness
16 with which to canvass those issues.

17 MR. WILLIAMS: Well, I said, Mr.
18 Chairman, we will test it and obviously your
19 assumptions are proven correct and I think we will
20 probably bypass the remainder of the questions dealing
21 with that. There are clearly are other people who are
22 better qualified, so we will come back to these on that
23 occasion.

24 MR. CAMPBELL: Mr. Chairman, just before
25 this matter is left, however, we have a concern that if

1 that is -- given the answers that have been coming from
2 the panel and Mr. Freidin's remarks, we want to be
3 clear that when we get people up there who know
4 something about this planning process that, in fact, we
5 will be able to revisit issues that are dealt with by this
6 panel which relate to - and it is stated in paragraph 2
7 of the proponent's summary of evidence - that this
8 panel will discuss training and development programs
9 for Ontario Ministry of Natural Resources staff and
10 others involved in timber management.

11 Now, given the approach that's taken
12 towards the implementation of this undertaking,
13 training, development program, staff qualifications,
14 how they are trained to translate into decision-making,
15 all of those things are critical, in our submission, to
16 the implementation of that planning process.

17 And if what Mr. Freidin is saying putting
18 it that way, because these witnesses can't deal with
19 those matters it is understood that counsel can come
20 back to those matters to the degree they feel it
21 necessary to understand and explore the confidence that
22 they should have in that planning process, then that's
23 fine.

24 But I don't want to let this moment pass
25 and then hear in Panel 15 objections to those matters

1 of training, development of staff, et cetera, were all
2 covered later on.

3 THE CHAIRMAN: Mr. Campbell, I think we
4 can offer you the assurances of the Board and we
5 realize and appreciate and understand the difficulties
6 that some of the parties are placed. It is a chicken
7 and egg type situation to a certain extent.

8 We are going to go on after this panel to
9 the specific activities and deal with some of these
10 issues in more detail, but at the end of that, we are
11 going to have a specific panel dealing with the
12 planning process in its totality.

13 And it would be the Board's view, I think
14 at that time, that if some of these questions relating
15 to that planning process have to be revisited, that
16 will be the time to do it, even if it means the
17 recalling of some witnesses to specifically deal with
18 that.

19 MR. CAMPBELL: Thank you.

20 THE CHAIRMAN: You could have put the
21 planning process ahead of the specific activities or
22 the other way around, as you have chosen. And all we
23 are saying, Mr. Freidin, is: In fairness to counsel,
24 if they can't test the planning process at this stage,
25 then some of these questions which are essential

1 components of the planning process may have to be
2 revisited again later on.

3 MR. FREIDIN: I just want to indicate, I
4 don't think we have to wait until 15. If I just might,
5 Mr. Chairman.

6 I think that this is an issue that I know
7 is a concern to some of the other parties and perhaps
8 far be it for me to try to indicate what that concern
9 might be. Let me just indicate what I do understand it
10 to be generally and will indicate how it can be
11 addressed.

12 There is a planning process for areas of
13 concern and then there are the areas which are not
14 areas of concern, and some parties I believe will
15 question whether in fact in the areas which are not
16 areas of concern the differences are such that the
17 environment will not be protected in the same way. All
18 right.

19 The Ministry of Natural Resources takes
20 the position that the environment will be protected
21 with this planning process which has areas of concern
22 with Appendix 1 and Appendix 2 and through the
23 practice -- and the other areas of sound silvicultural,
24 by using sound silvilcultural practices, the
25 environment will be protected there.

1 The witnesses that are coming forward in
2 Panels 10 to 14 will be dealing with effects and I
3 think it would be an appropriate line of questioning in
4 those panels to ask whether in fact, in the view of
5 those people, the environment will be protected
6 adequately in areas which are not in areas of concern
7 or whether they think the area of concern planning
8 process, you know, is good -- should of apply sort of
9 everywhere.

10 I understand that's where people are
11 coming from and if I am correct, then I think that we
12 are not talking about delaying sort of a canvassing of
13 this issue until 15, I think elements of it will
14 probably quite properly be dealt with in 14.

15 THE CHAIRMAN: All right. Well, let me
16 make this suggestion, Mr. Freidin. Perhaps you and
17 counsel for the other parties could get together after
18 this session today and try between you to reach an an
19 accommodation as to what can be accomplished with this
20 panel in terms of the planning process and what can
21 rightfully be left to Panel 15.

22 We want to avoid recalling witnesses
23 where we can, but in certain cases it may be necessary
24 because of the amount of material that's before us and
25 because of the structure of the case itself and I think

1 it might be helpful if you could try and assure the
2 counsel that they will not be deprived of the
3 opportunity to ask the relevant questions that they
4 wish at the Panel 15 stage, or through 10 through 14 if
5 that's where it comes.

6 All we are concerned about at this point
7 is whether this particular panel is going to be
8 productive in terms of the information they can provide
9 to the Board on some of the things that Mr. Williams
10 has been questioning upon, or whether it should be
11 better left to a subsequent panel.

12 And again, Mr. Williams, we have sort of
13 the explored part of this afternoon with this panel
14 about the degree of knowledge that this particular
15 witness has with this planning process and it appears
16 to the Board I think that some of these questions would
17 be better put to a subsequent panel.

18 MR. WILLIAMS: Well, clearly with regard
19 to comprehensive planning, I am prepared to put that
20 aside, but I think there are some other elements in
21 that process that, again in a general nature, we think
22 are important to pursue and that we have waited for
23 seven panels to get to these witnesses who we think are
24 critical to that determination.

25 So that certainly some of these areas --

1 obviously, Mr. Scott is better -- is professionally
2 more familiar with and is able to, I think, do us all a
3 service and others not.

4 Comprehensive planning, it appears that
5 that will have to be better dealt with on another
6 occasion. And if I might proceed, Mr. Chairman.

7 MR. FREIDIN: Are you going to move on,
8 Mr. Williams?

9 MR. WILLIAMS: I am still staying with
10 this planning process.

11 MR. CAMPBELL: Just before -- with
12 respect, Mr. Chairman, I am not sure that Mr. Freidin's
13 remarks address the point I was trying to make which
14 is, that this panel is put forward as being that panel
15 which will discuss training and development programs
16 for MNR staff and others involved in timber management.

17 And yet - and I mean Mr. Scott no
18 disrespect when I say that - it is clear and he said it
19 clearly a number of times, that he is not familiar with
20 the details of that planning process and clearly the
21 panel -- that being so, the panel is in no position to
22 respond to cross-examination as to whether the training
23 and development programs involving MNR staff and others
24 involved in timber management are going to be effective
25 to achieve and implement that planning process.

1 And again, I mean no disrespect to the
2 witnesses in saying that. I just want it noted at this
3 time so that we don't face objections if we go back
4 into that - I am not suggesting we necessarily will,
5 but if having looked at Panel 15 and so on we felt it
6 necessary to go back into those kinds of questions,
7 which I suggest are very real questions associated with
8 the implementation of this planning process - I don't
9 want us to be faced with objections at a later date
10 saying that those matters were covered in Panel 10.

11 That's the point I rose about, Mr.
12 Chairman.

13 THE CHAIRMAN: No, and I think what the
14 Board is assuring you of, Mr. Campbell, and the other
15 parties, the questions that can't be answered by this
16 panel with respect to the planning process should be
17 able to be answered by Panel 15, or one of the panels
18 leading up to 15.

19 And if it is necessary to get into issues
20 that might have otherwise been answered by this panel
21 but are not being answered by this panel, you can put
22 those same questions to Panel 15 or one of the other
23 panels leading up to 15. That's the assurance we are
24 giving you.

25 So you won't be left out and we won't

1 sustain any objection, Mr. Freidin, at that point that
2 we have already covered it. We are skipping it here,
3 if necessary, in order to allow it to be addressed by
4 another panel. That doesn't mean, therefore, giving up
5 their rights to ask those kinds of questions.

6 MR. FREIDIN: I heard you very clearly
7 the other day stating the obvious what happens if I
8 don't deal with certain issues in full.

9 THE CHAIRMAN: So does that satisfy you,
10 Mr. Campbell?

11 MR. CAMPBELL: Yes. I was concerned
12 there was some misunderstanding.

13 THE CHAIRMAN: Well, there is no
14 misunderstanding as far as the Board is concerned.

15 Mr. Williams?

16 MR. WILLIAMS: Q. Mr. Scott, the next
17 step in the process is the establishment of management
18 objectives; is that correct?

19 THE CHAIRMAN: Are you back on 104?

20 MR. WILLIAMS: Step 2.

21 MR. SCOTT: Back on page 109?

22 MR. WILLIAMS: Q. Page 109, yes.

23 MR. SCOTT: A. Again, using these two
24 figures together it is my understanding that that
25 does -- that is step 2, determination of direction on

1 the management unit, establishment of management
2 objectives. However, there has been that invitation to
3 participate and some public response too that is not
4 reflected in Figure 2.1-1.

5 Q. Establishment of the management
6 objectives is certainly a key component in step 2 of
7 the process; is that right?

8 A. Yes, I agree.

9 Q. Are there certain requirements that
10 these objectives must fulfill?

11 A. I suppose in the framework of those
12 three overall policies and, again, other pre-existing
13 obligations, yes.

14 Q. Can you list them or explain them for
15 me?

16 A. I will make my best attempt. We
17 would establish sustained yield objectives, we would
18 establish integrated resource management objectives.

19 Q. I am sorry, what was that last one?

20 A. Integrated resource management
21 objectives. And again, this is -- to the extent that
22 my familiarity will take me, and it would be within the
23 or contribute to forest production policy.

24 Essentially the objectives of the
25 management units and creation of the timber management

1 plan would be to establish a wood flow too and I am
2 sure that would be in the objectives.

3 Q.. Well, let me refer you to page 117
4 of the Class EA. I see a certain set of requirements
5 set out there. I don't see any of them mentioned in
6 those you have cited, or any of those that you have
7 cited included in those requirements. Can you correct
8 me if I'm wrong?

9 A. Can you refer me to specific lines
10 and be more specific in the question.

11 Q. Under the heading: Establishment of
12 Timber Management Objectives and Strategies:

13 "In the establishment of these objectives
14 and strategies, the following
15 requirements are addressed."

16 And you see four bullets there.

17 A. Yes, and I did suggest that they
18 would be consistent with provincial policies and
19 objectives.

20 Q. Oh, all right. Sorry, I didn't hear
21 that.

22 A. I did not make a comment on
23 measurability which is the intent I believe of
24 management objectives must be attainable and, where
25 feasible, measurable.

1 Personally when I try to establish
2 objectives, again, that is a given in my estimation
3 whether I establish timber management planning
4 objectives or simple meeting objectives; an objective
5 to me by definition is measurable, so I didn't mention
6 that.

7 I would agree that management strategy
8 should be consistent with general direction provided in
9 District Land Use Guidelines, District Land Use
10 Guidelines perform -- are part of the information
11 background package, what is why I suggested the first
12 principle of inventory should be information.

13 So, again, to me that is a given in terms
14 of how we establish objectives and linking objectives
15 is, again, another given in how you establish
16 objectives.

17 Q. Would you agree then in summary, Mr.
18 Scott, that the objectives must be consistent, feasible
19 and measurable, that is quantified and that they must
20 be directly linked to the activities contained in the
21 timber management plan?

22 A. I believe that is a fair assessment
23 of what I testified.

24 Q. And I think you also said that the
25 set of requirements are further reinforced by the

1 presence of the District Land Use Guidelines targets;
2 did you not?

3 A. Again, that forms part of the
4 background information.

5 Q. And that these targets provide a
6 measurement against which the individual timber
7 management objectives can be evaluated?

8 A. I am sorry, can you repeat again?

9 Q. And that these District Land Use
10 Guideline targets provide specific targets or
11 measurements against which individual timber management
12 objectives can be evaluated?

13 A. I am sorry, I am going to have to get
14 you to repeat that again.

15 Q. Okay. Would you not agree that these
16 set of requirements are further reinforced by the
17 presence of the District Land Use Guideline targets
18 which provide a specific target or measurement against
19 which individual timber management plan objectives can
20 be evaluated?

21 A. I am having trouble with the question
22 here. And, again, the District Land Use Guidelines to
23 me provide background information that help establish
24 those objectives and I am not sure what you mean by
25 anything other than that.

1 THE CHAIRMAN: Could you make an attempt,
2 Mr. Williams, to reword the question in a different
3 manner and try and elicit the same information that you
4 want.

5 MR. WILLIAMS: I think he has indicated
6 there is a clear linkage there, Mr. Chairman, and that
7 satisfies the question.

8 THE CHAIRMAN: Okay.

9 MR. WILLIAMS: Q. Do you agree, Mr.
10 Scott, that a primary objective in a timber management
11 plan is the wood supply requirement?

12 MR. SCOTT: A. Yes, I would agree.

13 Q. Is this usually expressed in annual
14 harvested volumes by species?

15 A. I am not sure. I can't remember how
16 we established it on the Bright Sands Forest. I
17 remember it was a prime objective, I just can't
18 remember the wording.

19 Q. As a result of this step that we have
20 been discussing you, as a forester, know specifically
21 what it is you are expected to produce from the
22 planning area; is that correct?

23 A. I would say that me, as a forester, I
24 would know what my capabilities and what I would want
25 to produce in terms of timber management purposes, yes.

1 I would probably rely on the planning team for further
2 expertise.

3 Q. Would you describe wood as a resource
4 benefit?

5 A. Yes.

6 Q. So then am I correct in concluding
7 that you have decided, as a result of this process, on
8 a benefit target or objective with respect to wood
9 production?

10 A. I believe we already established that
11 wood production or wood supply would be an objective of
12 a timber management plan.

13 Q. Do District Land Use Guideline
14 targets exist for non-timber resource benefits such as
15 numbers of moose and fish, hunting and fishing
16 opportunities and other non-timber resource benefits?

17 MR. FREIDIN: Mr. Chairman, we have gone
18 through the District Land Use Guidelines in great
19 detail; what they do say, what they don't say. I am
20 just wondering where all this is going.

21 MR. WILLIAMS: I am just looking for a
22 yes no answer.

23 MR. FREIDIN: Well, I know it's a yes or
24 no answer, but we have been through this -- you know,
25 not just in one panel, but we've been over that with

1 panel after panel after panel.

2 THE CHAIRMAN: Well, Mr. Freidin, Mr.
3 Williams is entitled to pursue a line of
4 cross-examination that, in his view, helps out himself
5 and his client and, hopefully, the Board as well. So
6 if you can answer that with yes or no.

7 We certainly don't intend to get into the
8 Land Use Guidelines in detail at this stage, we have
9 done it.

10 MR. SCOTT: To tell you the truth, I
11 can't remember. I know we established some objectives,
12 but I can't remember if we established numbers of
13 moose, numbers of things.

14 MR. WILLIAMS: Q. I cited those simply
15 as examples. I guess basically the question is: Do
16 District Land Use Guideline targets exist for
17 non-timber resource benefits?

18 And while you haven't -- all right. I
19 used as an example moose and you can't answer that part
20 of it specifically. What about fish -- hunting and
21 fishing opportunities and other non-timber resource
22 benefits in general?

23 MR. SCOTT: A. I am not trying to dodge
24 here it has just been a long time since I have opened
25 up a District Land Use Guideline other than to read

1 general information, background information for myself
2 and I can't remember if we quantified them or not.

3 THE CHAIRMAN: I think, Mr. Williams,
4 there was evidence from the Land Use Guidelines portion
5 of what we have already heard that there were such
6 figures.

7 MR. WILLIAMS: Yes, Mr. Chairman. I just
8 assumed because of Mr. Scott's qualifications that he
9 would have had no difficulty in giving a yes/no answer
10 to that in his areas of having been a fish and wildlife
11 supervisor.

12 Q. Mr. Scott, are specific, consistent,
13 attainable, measurable and linked objectives for these
14 non-timber resource benefits comparable to the wood
15 supply objectives normally included in a timber
16 management plan?

17 MR. SCOTT: A. I think I would have to
18 look at the detail of objectives to a specific timber
19 management plan before I could answer that.

20 Q. What about your own experience in the
21 Bright Sands?

22 A. Quite frankly I can't remember. At
23 the point that we put out the initial objectives, they
24 were for public view, they were not objectives of the
25 final plan. I don't even believe the final plan is

1 approved, so I haven't seen that and I moved to a job
2 in southern Ontario and just haven't dealt with it.

3 Q. In your view -- in your professional
4 view, would the proposed timber management plan EA
5 planning process accommodate the additions of such
6 objectives if this was viewed as appropriate?

7 A. I guess -- to try and come to some
8 sort of answer on that, while I was fish and wildlife
9 supervisor that was part of the process of the
10 fisheries management plan which was one of the
11 mechanisms that established objectives for fisheries
12 management.

13 And to the extent that there may be a
14 link in an integrated sense between objectives of
15 timber management plan so that we protect fisheries
16 using the Fisheries Guidelines which go to that
17 objective for fisheries management planning, I would
18 say there are linkages involved but, in my experience -
19 and I am really leading out of my area...

20 Q. Mr. Scott, I have to interrupt, I
21 don't think you are addressing the question. I said,
22 in your view, would the proposed timber management plan
23 EA planning process accommodate the additions of such
24 objectives if this was viewed as appropriate?

25 MR. FREIDIN: I think the witness was

1 answering the question, he was answering the question
2 by way of an example of how those objectives are dealt
3 with in his experience. And surely he should be
4 allowed to finish that, if it goes towards answering
5 whether they should actually be incorporated into the
6 timber management plan, which is what Mr. Williams
7 suggested in cross-examination.

8 MR. WILLIAMS: I didn't see the direction
9 of the answer as addressing the accommodation, but
10 if...

11 THE CHAIRMAN: Why don't we let Mr. Scott
12 answer it--

13 MR. WILLIAMS: Yes, I will.

14 THE CHAIRMAN: --the way he proposed to
15 answer it. If it doesn't answer your question, Mr.
16 Williams --

17 MR. WILLIAMS: I will come back. I am
18 sorry, I shouldn't have interrupted.

19 Q. I just thought you were off track
20 from what I was looking for.

21 MR. SCOTT: A. Can we come back to the
22 original question here?

23 Q. Yes. The question again was: In
24 your view, would the proposed timber management plan EA
25 planning process accommodate the additions of such

1 objectives if this was viewed as appropriate?

2 A. Okay. Based on the premise that it
3 is not up to me to decide whether it is appropriate or
4 not, I believe that the establishment of, and I will
5 use a specific example of fisheries objectives through
6 fisheries management planning establishes numerical
7 targets or quantifiable targets for fish and I believe
8 that the objective of timber management planning links
9 itself to the protection of those values, then we are
10 adequately covered in the process.

11 Now...

12 MR. STRAIGHT: A. Mr. Chairman, could I
13 perhaps help maybe provide a bit of clarification here.
14 And I don't, as well, Mr. Williams, profess to be an
15 expert in the whole area of planning; I have some
16 experience and some familiarity.

17 I am aware of the fact that Mr. Douglas
18 and Mr. Monzon went in depth in Panel 1 in describing
19 the Ministry's management planning system and, within
20 their explanation, you will find the answers to many of
21 the questions you are currently asking Mr. Scott, and
22 that is how the Ministry generally goes about
23 conducting its general responsibilities for resource
24 management. And I can recall some time ago reading
25 that document and, in my assessment, it was fairly

1 clear.

2 What Mr. Scott is indicating to you is,
3 is that we go about the job of managing different
4 resources by different mechanisms and he is trying to
5 indicate to you that in Ignace District, for example,
6 where also part of the Bright Sands management plan is
7 and where I have some experience in terms of overseeing
8 the development of a number of fisheries plans, we feel
9 quite comfortable that the objectives of those
10 fisheries management plans and the objectives of those
11 timber management plans can be adequately meshed and
12 linked together.

13 And, in fact, you will find in the timber
14 management plan, or in the fisheries management plan
15 very specific references to areas where timber
16 management occurs; you will find references to resource
17 protection guidelines for fisheries and, as part of the
18 integrated management framework with MNR, those are the
19 mechanisms that we choose to deal with those subjects.

20 The specific matter before the Board is a
21 timber management planning process which forms one part
22 of a Class Environmental Assessment, not resource
23 management planning which the Ministry achieves by
24 other mechanisms and which Mr. Douglas very carefully
25 and very clearly pointed out in Panel 1.

1 Q. Well, thank you, Mr. Straight. I
2 don't know whether it really gets at the response I
3 think that we are entitled to.

4 Just let me go back one step, if I might,
5 Mr. Scott. As to the objectives that we are talking
6 about in that question where I had said -- I had asked
7 you, and I will put it again to you:

8 In your view, would the proposed timber
9 management plan EA planning process accommodate the
10 addition of such objectives if this was viewed as
11 appropriate. And those objectives were ones that you
12 had agreed to in the preceding question that are
13 consistent, attainable, measurable and linked
14 objectives for these non-timber resource benefits?

15 MR. FREIDIN: Mr. Chairman --

16 THE CHAIRMAN: The ones listed on 117?

17 MR. WILLIAMS: Yes.

18 THE CHAIRMAN: Well, is that not part of
19 the planning process as proposed?

20 MR. FREIDIN: That is part of the
21 planning process that is proposed and I think, if I
22 understand the question - and even if I don't
23 understand the question - I think it is the third time
24 it has been asked in almost the same fashion. I think
25 Mr. Williams has got his answer. Whether he is

1 satisfied with the answer, is,,

2 MR. WILLIAMS: It was related to the --
3 Mr. Chairman, to the non-timber resource benefits
4 within the context of those objectives that had been
5 identified.

6 THE CHAIRMAN: But I think Mr. Straight
7 just provided that answer.

8 MR. WILLIAMS: All right.

9 Q. Mr. Scott, the next step in the
10 process is to select the silvicultural system?

11 MR. SCOTT: A. Right.

12 Q. Provincial guides have been prepared
13 to guide this process; is that correct?

14 A. That's correct.

15 Q. Some of these guides have been
16 entered into evidence in this hearing and I generally
17 have found them to be quite thorough with respect to
18 growing trees. They include, however, such things as a
19 detailed history of experience, knowledge and available
20 research results pertinent to the management of each
21 working group; do they not?

22 A. Yes, that is how they are written, to
23 accommodate and take advantage of knowledge and
24 experience, yes.

25 Q. As a result, my understanding that

1 the forester in effect sits down to select his
2 silvicultural system and ground rules which have
3 comprehensive technical base in growing trees from
4 which to make this decision; is that correct?

5 A. Generally, yes, I would agree with
6 that, sure.

7 Q. Are these guidelines regularly
8 updated by MNR as new information becomes available?

9 A. To my knowledge, yes.

10 Q. Professional judgment is still
11 required to deal, however, with the local setting in
12 deciding on the ground rules for growing trees; is that
13 not so?

14 A. I would say that is very much so.

15 Q. Would you not agree though that given
16 the strong technical base provided by the silvicultural
17 guides, that MNR foresters can more effectively and
18 reliably exercise their professional judgment?

19 A. I would say that is part of it. I
20 think you have to keep up with other reading, take
21 advantage of scientific expertise, keep current in
22 knowledge that is accumulating; you know, take
23 additional training as it becomes available, attend
24 workshops and seminars.

25 It is not the whole package. You can't

1 just take the silvicultural guides and say because they
2 are the most up-to -date that you can rest on your
3 laurels and go out and use a little judgment and make
4 your decision. I think it is always a developing
5 process.

6 Q. Let us, Mr. Scott, imagine for a
7 moment that these detailed technical guides were not
8 available. Would you expect this to increase or
9 decrease the workload of individual unit foresters and
10 others within the MNR?

11 A. If I can relate to my experience when
12 I was a practising spruce forester which has occurred
13 sometimes in some of my experiences before those guides
14 were available, it meant more library work to obtain
15 that information, but that information is available in
16 the scientific community and for the time period you
17 can access local expertise.

18 So it requires a little more work, but it
19 is not -- it did require a little more work and it is
20 streamlined through the process of having these guides.

21 Q. As an administrator, would you have
22 more or less confidence in timber management plans
23 prepared in the absence of such guides?

24 A. As a timber management supervisor?

25 Q. As an administrator.

1 A. As an administrator I would have
2 standards for the product and once the product was
3 produced, my standard would be met as an administrator
4 and I would have every confidence that it would be
5 produced correctly.

6 Q. But I am saying, in the absence of
7 such guides, would you...

8 A. Yes, in the absence of such guides, I
9 would expect that my staff would do the extra library
10 research, do the extra scientific consultation, do the
11 extra -- use the tools in different ways that we talked
12 about, but that we would set a standard for the product
13 and the product will get delivered at that standard.

14 Q. As a unit forester, would you feel
15 more or less confident in the area prescriptions
16 decided in the absence of such guides?

17 A. My answer would be the same, is that
18 I would set a standard for area prescriptions. Based
19 on objectives -- again, we are dealing with a
20 hypothetical situation of having no guides and,
21 although it might be a lot of extra work to achieve
22 that standard, I would have every confidence that that
23 standard could be achieved.

24 THE CHAIRMAN: Mr. Williams, we are
25 coming to the time when we will have to break for this

1 afternoon.

2 MR. WILLIAMS: All right, Mr. Chairman.

3 THE CHAIRMAN: I guess we better just
4 canvass very briefly where we are going from here.

5 Once again, the Board will reconvene
6 tomorrow morning at 8:30. We are going to deal with
7 the scoping of Panel 10. We don't feel that that
8 scoping exercise, by the way, is going to take that
9 long with Panel 10, notwithstanding that the statements
10 of issue are fairly voluminous in terms of the issues
11 identified.

12 The reason is, in our view, is that most
13 of that material, with the exception of what Mr. Armson
14 is pulling out and putting into Panel 9, are matters
15 that will have to be dealt with in Panel 10. There is
16 not, in our view, a lot of things that can be scoped or
17 agreed upon that the parties do not want to
18 cross-examine on and do not want, in many cases,
19 further direct evidence on. So we don't anticipate
20 that process will take that long with respect to Panel
21 10.

22 If we came then back to you, Mr.
23 Williams, when do you estimate that you would be
24 through with your cross-examination of this panel? We
25 can probably get to you around, I would suggest by

1 9:30.

2 MR. WILLIAMS: Mr. Chairman, I sincerely
3 hope that I could have moved along more quickly in the
4 cross-examination but, at this juncture, I have to
5 advise you that we are a little more than one third
6 through my cross-examination.

7 THE CHAIRMAN: Mr. Campbell, we will not
8 be dealing with you tomorrow.

9 MR. CAMPBELL: Then you will have the
10 great pleasure of not dealing with me at all.

11 THE CHAIRMAN: We will not comment on
12 whether that is a pleasure or not but, in any event, we
13 prefer to deal with Ms. Seaborn any time.

14 MR. CAMPBELL: I have no doubt that and I
15 encourage that decision.

16 THE CHAIRMAN: All right. I think we
17 will have to give consideration, I guess towards the
18 end of tomorrow, where we are going next week in view
19 of this extended cross-examination with respect to this
20 panel.

21 So we will deal with that tomorrow as we
22 progress a little further.

23 MR. WILLIAMS: Thank you, Mr. Chairman.

24 THE CHAIRMAN: We will adjourn until 8:30
25 tomorrow morning.

1 MS. BLASTORAH: Mr. Chairman, just before
2 we go, if I could just give out -- I have some copies
3 of Exhibit 386 which was the overhead used by Mr.
4 McNamee showing the model used -- or developed by ESSA
5 and they are colour photocopies which are exact
6 duplications of the overhead as it was used.

7 So I have copies for the Board as well as
8 the other parties.

9 THE CHAIRMAN: So we will mark those the
10 same, Exhibit 386?

11 MS. BLASTORAH: It is already marked as
12 Exhibit 386 I believe.

13 THE CHAIRMAN: Okay, thank you. Do you
14 want to leave them up here for the Board.

15 MS. BLASTORAH: (handed)

16 ---Whereupon the hearing adjourned at 5:20 p.m., to be
17 reconvened on Thursday, February 2nd, 1989,
commencing at 8:30 a.m.

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